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BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD

IN THE MATTER OF: )  
 )  
REGULAR BUSINESS MEETING )  
 )  
\_\_\_\_\_ )

## TRANSCRIPT OF PROCEEDINGS

November 14, 2000

9:30 A.M.

CIWMB Board Room  
8800 Cal Center Drive  
Sacramento, California

REPORTED BY:  
Terri L. Emery,  
CSR No. 11598

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3 CHAIR MOULTON-PATTERSON: I'd like to call the  
4 meeting to order. Good morning and welcome to the  
5 November 14th meeting of the California Integrated Waste  
6 Management Board.

7            Would the secretary please call the roll.

8 BOARD SECRETARY: Eaton.

9 Jones .

10 BOARD MEMBER JONES: Here.

11 BOARD SECRETARY: Medina.

12 BOARD MEMBER MEDINA: Present.

13 BOARD SECRETARY: Paparian.

14 BOARD MEMBER PAPARIAN: Here.

15 BOARD SECRETARY: Roberti.

16 Moulton-Patterson.

17 CHAIR MOULTON-PATTERSON: Here.

18                   And we do have a quorum. Mr. Eaton won't be  
19 here today. He let me know of that.

20 I'd like to welcome all the members of the  
21 audience. At this time if you would please turn off your  
22 cell phones and pagers, we would really appreciate it.  
23 And for those of you in the audience who would like to  
24 speak on an item, there's speaker request forms on the  
25 back table. If you would mark down the specific item

1 that you would like to speak on, that would be helpful,  
2 and if you could give it to Ms. Villa, who is up here,  
3 and she would certainly let us know that you wish to  
4 speak.

5 Do Members have ex partes? We'll start with  
6 you, Mr. Jones.

7 BOARD MEMBER JONES: Everything is up to speed  
8 except for a phone call today from Paul Yoder  
9 representing SWANA on the policy item and the long-term  
10 violation item.

11 CHAIR MOULTON-PATTERSON: Thank you.

12 Mr. Medina.

13 BOARD MEMBER MEDINA: Two letters received. One  
14 from Julie Muir of the California Collegiate Recycling  
15 Council, and another one from Mr. Nathan C. Benjamin of  
16 Earth 911, a cleanup organization. And that's it.

17 CHAIR MOULTON-PATTERSON: Mr. Paparian.

18 BOARD MEMBER PAPARIAN: I'm up to date.

19 CHAIR MOULTON-PATTERSON: Okay. Thank you, and  
20 I'm also up to date.

21 Oral reports. Mr. Jones.

22 BOARD MEMBER JONES: Thank you, Madam Chair.

23 Just a couple of events. One was pretty  
24 historic, back in Cincinnati at SWANA's national  
25 convention on October 24th. We had a celebratory signing

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1 of an MOU which I've delivered to each Board Member's  
2 office that we've been negotiating with SWANA, and that  
3 is a four-year pilot program that is going to look at  
4 training landfill operators, LEAs and Board staff to  
5 landfill operating standards and conditions.

6 Over this next four years if we determine that  
7 there is a real benefit, which we think there will be for  
8 the citizens of the state of California by increasing the  
9 ability and knowledge of landfill operators through this  
10 training course, then we will embark on a process to look  
11 and see if that becomes mandatory in the state of  
12 California. It was attended by Mr. McGuinn who had an  
13 awful lot to do with it. He's in the audience today, as  
14 well as John Skinner who is the CEO. Mr. Medina and I  
15 were back at SWANA. I represented that the Board in that  
16 signing that was already signed by Karen Fish, and Rubia  
17 and Don Dyer did most of the work on the Board's behalf.

18 But all of the chapters in California were  
19 signatory to this agreement and it is being -- it is  
20 being used as an example to show other states of the ways  
21 that this training can be adapted to their state-specific  
22 conditions and programs, and I'm real proud and I  
23 appreciate the Board's willingness to look at this and I  
24 think it was a great event.

25 Then I was a one of the opening session speakers

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1 on public-private partnerships that I thought went pretty  
2 well. And then on November 4th was up at Butte Junior  
3 College for the ceremonial opening of a new rubberized  
4 running track at that junior college. And just something  
5 for the audience to understand when we give away these  
6 grants, that was a grant that was given to Glenn County  
7 that worked with Glenn County, Siskiyou County and Butte  
8 County for the installation of this track. And because  
9 of the installation of this track, for the first time in  
10 15 years sanctioned track meets can be held in Butte  
11 County, Glenn County or Siskiyou County. They had never  
12 been able to hold a sanctioned meet for those kids for  
13 the last 15 years because the track had deteriorated to  
14 such a poor state that it wouldn't meet any standards.

15           So our dollars were well used, they were very  
16 appreciative. Nate and -- I think her name was Linda  
17 from our Contracts Division -- went up there for the  
18 grand opening and everybody appreciated it.

19           So that's it.

20           CHAIR MOULTON-PATTERSON: Thank you, Mr. Jones,  
21 for your leadership in Cincinnati. We really appreciate  
22 it.

23           Mr. Medina.

24           BOARD MEMBER MEDINA: Thank you. On October the  
25 18th, along with other Board Members, I had an

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1 opportunity to make some site visits in Eureka while the  
2 Board was meeting there, specifically, Fire and Light and  
3 the Arcata Transfer Station.

4           Along with Board Member Jones on October 23rd to  
5 the 26th I attended the SWANA waste conference in  
6 Cincinnati, Ohio. While at the conference, I had an  
7 opportunity to sit in on Board Member Jones's  
8 presentation at the public-private partnership and how to  
9 make it work and so he was very well received there.

10           I also had an opportunity to attend a session  
11 for new board members and -- of waste -- of various  
12 waste -- solid waste committees around the country, and  
13 this was very helpful because these were local agencies  
14 that dealt with solid waste issues at the local level,  
15 the regional level and the state level. So it was a good  
16 opportunity to receive an orientation along with those  
17 members and to become acquainted with them and to keep up  
18 an ongoing dialogue.

19           I also had an opportunity during the last of the  
20 month, October the 31st, with one of our members, Paulino  
21 Luna, to meet with the Mayor of Tiajuana and the Mayor's  
22 staff in regard to the siting of the new Tiajuana  
23 Landfill. So along with the Mayor's staff and one of our  
24 staff, we visited five proposed sites for their proposed  
25 landfill and we'll be continuing to work with them in the

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1 future.

2 Earlier this month I also had an opportunity to  
3 visit various solid waste facilities sites and I'd like  
4 to thank our staff from P&E, Jeff Hackett, Paulino Luna,  
5 and Brad Williams for accompanying us on this trip. We  
6 visited a transfer station, a MRF in Lodi, the Forward  
7 Landfill on Oso Road (phonetic) in Manteca, the  
8 Ogden-Martin facility located in Crow's Landing, and I  
9 was particularly impressed with the work that our staff  
10 is doing in cleaning up a mushroom farm which is an  
11 illegal disposal site. It's an abandoned mushroom site  
12 located in north Monterey County and our staff in P&E,  
13 the solid waste cleanup program, are overseeing this  
14 operation and the staff is doing a great job of cleaning  
15 up this site and they had previously come from doing a  
16 cleanup at the Hunter's Point Candlestick Cove area.

17 We also visited the Monterey Peninsula Landfill.  
18 It's a very impressive facility and also the Newby Island  
19 Sanitary Landfill.

20 So again I want to thank our staff for helping  
21 to facilitate all of those site visits and that concludes  
22 my report.

23 CHAIR MOULTON-PATTERSON: Thank you, Mr. Medina,  
24 and thank you for your leadership on the border issues  
25 and the work you're putting in there. We really do

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1 appreciate it.

2 Mr. Paparian.

3 BOARD MEMBER PAPARIAN: Though I wasn't there at  
4 the SWANA conference, I do understand Mr. Jones really  
5 wowed them with his presentation. He understated it a  
6 bit, but I think he really impressed the folks from  
7 around the country with the good work that he's done and  
8 the good work that's gone on here.

9 I did a number of things in the last month. I  
10 also visited the Fire and Light facility up in Arcata as  
11 well as Fox Farms. One of my interests as people know is  
12 electronics waste issues. With a number of staff from  
13 the Board as well as staff from Department of Toxic  
14 Substances Control, we visited the Hewlett Packard micro  
15 metallics facility in Roseville a couple of weeks ago.

16 I had the opportunity to meet with the CRRRA  
17 chapter down in the San Bernardino-Riverside area. John  
18 Davis, who is here, helped facilitate that and I had a  
19 good opportunity to meet with some local folks and local  
20 industry folks there as well as visit the Burtech MRF  
21 near Ontario.

22 Like some of the other Board Members, I'm  
23 participating in some of the WRAP Award ceremonies. We  
24 had a good event down at the Ocean Beach Food Co-Op as  
25 well as one at Apple Computer in Elk Grove where we also

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1 had a very interesting tour of their operation and heard  
2 a lot about their recycling programs at Apple Computer.

3           The last thing, I'll just mention I'm continuing  
4 my work as part of the Governor's Infrastructure  
5 Commission. We are expecting to have a draft report on  
6 state infrastructure issues sometime in the next few  
7 weeks with a final report to the Governor hopefully by  
8 the end of January.

9           CHAIR MOULTON-PATTERSON: Thank you,  
10 Mr. Paparian, and I'd like to thank you for taking the  
11 lead on the electronics waste issue and it's very  
12 important to us and we really appreciate your leadership  
13 on that.

14           I also visited the facilities mentioned in your  
15 Eureka, also took a tour of the E-Z Light Log Company in  
16 Eureka. They use recycled materials and also hire the  
17 disabled in their plant, so that was really an  
18 interesting site visit. I toured the Red Bluff Landfill.  
19 Also toured the CoalMat Cogeneration and Resource  
20 Recovery Facility in Mecca and this was a facility that  
21 is a really good example of biomass to energy.

22           I toured the L.A. River proposed litter removal  
23 system sites for storm drains, and we'll be talking about  
24 that later today, and also went to the L.A. School  
25 Gardens Program that our staff and the Education

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1 Department participate in in San Marino. And again, our  
2 education staff does such a wonderful job under Tricia  
3 Broderick's leadership and they were there teaching  
4 teachers and it was very, very well received.

5 And I also visited the Otay Landfill in San  
6 Diego, which we'll be discussing today, and yesterday I  
7 took a tour of the 3-M Company's dental products facility  
8 in Irvine, and they've been one of our WRAP Award winners  
9 and doing a fantastic job there.

10 So I've had some really interesting site visits.  
11 Do we have a report from --

12 MS. FISH: We do.

13 CHAIR MOULTON-PATTERSON: -- our acting  
14 Executive Director?

15 Ms. Fish.

16 MS. FISH: Thank you, Madam Chair and Board  
17 Members.

18 Actually, this is going to be the second to the  
19 last time that we will be in this room with the last time  
20 being in December. January's meeting will be at the Air  
21 Resources Board and then February, hopefully with  
22 everything being on schedule, we will have our meeting in  
23 the new Cal/EPA building.

24 What I have here today is an update on the  
25 progress of our move. You notice the parking lot was

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1 significantly empty yesterday. Several of our divisions  
2 and offices have successfully moved to the new Cal/EPA  
3 building at 1001 I Street. Since November 3rd, the  
4 Administration and Finance Division, the library, P&E,  
5 DPLA, Special Waste, the Office of Organizational  
6 Effectiveness, and OMRS, our Office of Management  
7 Reporting System, are in the new building.

8           This past weekend was the largest and most  
9 complex move and required long hours for our move teams.  
10 The move included relocating our local area network  
11 systems servers to the new building so all the  
12 connectivity now routes through the building downtown.

13           While there have been some minor hiccups, all  
14 move-related activities have been successful. This  
15 includes the LAN network reconnect, computers and  
16 printers for all of the staff in the new building,  
17 delivery and set-up of all the hard office furniture.  
18 The furniture, I think through the efforts of our Admin  
19 Division, the new furniture meets or exceeds the state  
20 agency buy recycled campaign percentages, mostly in the  
21 steel category. Fax and phone lines and all the delivery  
22 of the boxed items have arrived, I think.

23           All divisions and offices participating as move  
24 teams have worked together to ensure that our move and  
25 transition has been a smooth one. Of course, no move is

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1 without minor technical issues. However, those are being  
2 taken care of daily and work has resumed for all. That  
3 might be an understatement a little bit there.

4           The next move is scheduled for this coming  
5 weekend when the Waste Prevention and Market Development  
6 Division as well as the P&E facility files will move, and  
7 that will leave only the Board, Executive Office, Legal,  
8 Legislation, Policy and Public Affairs Office, which had  
9 been scheduled to move on the 30th. However, we were  
10 notified yesterday that cabling delays affecting the 24th  
11 and 25th floor will likely push the move of our offices  
12 back to December 5th. We do expect to be able to confirm  
13 that within the next few days.

14           If you have any questions specifically about the  
15 move, Terry Jordan is here and she can answer them. I  
16 have heard from Julie and Mark that they're excited about  
17 being in the new building and it's very, very nice and  
18 they're very happy with their new surroundings. So from  
19 our perspective, I can hardly wait to get there.

20           CHAIR MOULTON-PATTERSON: I was going to ask are  
21 we still on schedule on the third floor or did I hear we  
22 might be --

23           MS. FISH: That's the one that -- I don't think  
24 24 and 25 are going to be ready. So we've heard that is  
25 being pushed back a little bit and right now the date is

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1 scheduled to be December 5th, meaning we would pack up on  
2 Monday, move on Tuesday, and then be down there Wednesday  
3 the 6th, but that hasn't been confirmed.

4 CHAIR MOULTON-PATTERSON: Thank you.

5 MS. FISH: Does anybody have any questions  
6 specifically before I move on?

7 BOARD MEMBER PAPARIAN: Just quickly. I know  
8 that I've been involved in a number of office moves. I  
9 know it's very stressful on folks trying to get out of  
10 one place and adjust to a new place, and I just want to  
11 compliment the staff on handling this in a very  
12 professional and effective way.

13 MS. FISH: It has been very difficult and I  
14 think that whenever you're looking for things that are  
15 packed in boxes, it definitely adds to a frustration  
16 level. But it's halfway over.

17 The next update I wanted to give is on MBA  
18 Polymers. That was a fire that last month, a tragic  
19 fire, and firstly I know that the Board has expressed  
20 sympathy and concern for the loss of life and the injury  
21 to the staff workers.

22 Secondly, I wanted to let the Board know that  
23 the company has contacted our staff and they expect to  
24 resume operations in 90 days and they are still  
25 continuing to accept and are stockpiling plastics from

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1 both HP and Apple Computers. So staff is meeting with  
2 the company representatives, and as they pass along their  
3 updates, we'll make sure that we get the Board and staff  
4 updated as to their progress.

5           Lastly, the first of some RMDZ training  
6 workshops for the fiscal year 2000-01 was held in Santa  
7 Monica on November 2nd and 3rd. The focus of that  
8 workshop was on the status of the loan program and its  
9 future funding operations. The Chair and Board Member  
10 Roberti were present along with Board staff and 22 zone  
11 administrators.

12           Chair Moulton-Patterson spoke to the attendees  
13 on a number of the program issues. Several presenters  
14 discussed various marketing options for the RMDZ program  
15 including the Recycle Store and marketing experts  
16 explored ways to increase the awareness of the zone  
17 program and its successes.

18           The program included a facilitative discussion  
19 addressing development of an action plan to address  
20 alternative financing and the potential legislative  
21 options. Both are currently being discussed by the RMDZ  
22 loan program leveraging work group. Zone administrators  
23 and Board staff volunteered to serve on subgroups to  
24 address these issues and create action plans. These  
25 plans will be presented at the next workshop on February

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1 8th and 9th following the Board meetings in December and  
2 January when staff will seek your direction.

3 And that concludes the report.

4 CHAIR MOULTON-PATTERSON: Thank you, Ms. Fish,  
5 and I just want to say thank you to you for the great job  
6 you're doing in the position. We really do appreciate  
7 it. And I think I echo Mr. Paparian's remarks and all  
8 the Board Members. We are really proud of the staff and  
9 we know this is -- I mean I certainly think moving is  
10 stressful. So thank you very much for everything you're  
11 doing.

12 One thing that I wanted to mention that I had  
13 forgotten in my report, our office wants to welcome  
14 Deborah McKee up here who is a new member of our team and  
15 she's doing a fantastic job. She'll be putting together  
16 the agenda and making sure the board meetings run  
17 smoothly. So this is definitely somebody you want to  
18 meet. And we welcome you, Deborah, and we thank you so  
19 much for everything you're doing. Okay.

20 Moving on to the business of the day, Items 1,  
21 2, 3, 4 and 6 are now continued to December. I don't  
22 know if anyone has any comments on those.

23 Hearing none, that takes us to Item Number 5,  
24 consideration of the report to the Legislature on the  
25 duplication or overlap between the Board and the

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1 Department of Conservation programs. Ms. Packard -- Oh.  
2 Well, it's after this on the agenda. It seems strange to  
3 me too, but it is after the continued items.

4 MS. PACKARD: Good morning, Madam Chair and  
5 Board Members. My name is Rubia Packard. I'm the  
6 Assistant Director for the Policy and Analysis Office,  
7 and Tracy Harper from the office is here with me in the  
8 event that you have questions about the report.

9 As you recall, this item was presented to you at  
10 last month's board meeting. We have not made any changes  
11 to the item or to the report as of this time. We have  
12 had several discussions, both the Chair's office and the  
13 Executive Offices have had several discussions with the  
14 Department of Conservation. Our understanding is that  
15 they have refocused their efforts on this report.

16 We've had an initial meeting with them, with the  
17 staff that are working on the report or will be working  
18 on the report -- they've assigned new staff -- and they  
19 are asking the Board to support them in recommending to  
20 the author's office that we jointly ask for an extension  
21 of the deadline of this report from December 1st to March  
22 1st.

23 The final report would go to the Legislature  
24 March 1st. That would require us to bring you another  
25 draft at the January board meeting, give you an

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1 opportunity to make comments, changes, et cetera, and you  
2 could adopt the report, the final report, in February for  
3 a March 1st submittal to the Legislature.

4           So we are recommending that the Board join DOC,  
5 support their effort to request that extension. The  
6 purpose of the extension is to allow them to provide us  
7 additional program information and also additional input  
8 into the recommendations throughout the report.

9           So that's our recommendation at this time. If  
10 you have any questions.

11           CHAIR MOULTON-PATTERSON: Thank you. Any  
12 questions from the Board Members? Thank you. And we  
13 don't need a motion on a continuance; do we?

14           I appreciate that. And I know I for one want to  
15 make sure that DOC has as much time as we can allow in  
16 that time period to make sure that we have worked in  
17 collaboration with them. And I have talked to Senator  
18 Sher's office and they are very understanding about the  
19 delay. And so we will put that in writing, I believe.

20           So thank you very much and thanks for your  
21 continued work on this.

22           MS. PACKARD: Thank you.

23           CHAIR MOULTON-PATTERSON: Okay. Now the consent  
24 agenda, Item 6. Items Number 7, 8, 9, 10, and 20 have  
25 been placed on the consent agenda. Would any Board

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1 Members wish to pull any of the items from consent?

2 BOARD MEMBER JONES: Madam Chair.

3 CHAIR MOULTON-PATTERSON: Mr. Jones.

4 BOARD MEMBER JONES: I move we adopt consent

5 calendar with Agenda Items 7, 8, 9, 10 and 20.

6 BOARD MEMBER MEDINA: Second that motion.

7 CHAIR MOULTON-PATTERSON: We have a motion by

8 Mr. Jones, seconded by Mr. Medina, to adopt the consent

9 calendar.

10 Would you please call the roll.

11 BOARD SECRETARY: Eaton.

12 Jones.

13 BOARD MEMBER JONES: Aye.

14 BOARD SECRETARY: Medina.

15 BOARD MEMBER MEDINA: Aye.

16 BOARD SECRETARY: Paparian.

17 BOARD MEMBER PAPARIAN: Aye.

18 BOARD SECRETARY: Roberti.

19 BOARD MEMBER ROBERTI: Aye.

20 BOARD SECRETARY: Moulton-Patterson.

21 CHAIR MOULTON-PATTERSON: Aye. Okay. That

22 takes us to our first new business. Let's start with

23 Item Number 11. Is that right? Yeah. Item Number 11.

24 Before we begin, if I've given you enough time,

25 Senator Roberti, did you have any ex partes?

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1           BOARD MEMBER ROBERTI: No. Just the ones I'm  
2 signing right now.

3           CHAIR MOULTON-PATTERSON: Okay. And the record  
4 note Senator Roberti is present.

5           BOARD MEMBER ROBERTI: Maybe because I have it  
6 on the computer -- let me read them for a second.  
7 Well --

8           CHAIR MOULTON-PATTERSON: While you're  
9 looking at that, Senator Roberti, and I'll come right  
10 back to you, I apologize. Mr. Mohajer had a suggestion  
11 on Item Number 5. Is Mr. Mohajer here?

12          MR. MOHAJER: Thank you, Madam Chair. My name  
13 is Mike Mohajer with L.A. County Public Works.

14          CHAIR MOULTON-PATTERSON: I apologize,  
15 Mr. Mohajer.

16          MR. MOHAJER: That's okay, but it will do by  
17 continuation of this. I had really three items I wanted  
18 to mention, just a suggestion. I think consolidation is  
19 an excellent suggestion. We have been in support of it  
20 for years. There was one typo on page double Y of the  
21 report. The first Section 41511 of the PRC, that should  
22 be 40511.

23          Also, the second issue that I wanted to mention  
24 was that the consolidation certainly is going to reduce  
25 some of the program costs as the staff identified in the

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1 report. It would be great if we can show some numerical  
2 number of how much saving the consolidation is going to  
3 put in place.

4 And third, this issue, as the staff has  
5 indicated in their report, has been going on for eight  
6 years, nine years. So it does need some legislative  
7 fixes. So it is nothing wrong with putting some  
8 legislative recommendation that accomplishes the goal.  
9 That would really go a long way.

10 Thanks, very much.

11 CHAIR MOULTON-PATTERSON: Okay. Thank you very  
12 much for your suggestions. Again, I apologize for not  
13 calling you during that item.

14 Senator Roberti.

15 BOARD MEMBER ROBERTI: Yes. Madam Chair, I  
16 spoke to Julie Muir, President of the California  
17 Collegiate Recycling Council on methods used to estimate  
18 diversion. I spoke to Joseph W. Massey of the Coalition  
19 of Independent Recycling on the diversion study guide on  
20 November 6th and 7th, and Ms. Muir on November 3rd.

21 I spoke with Paul Yoder on November -- rather on  
22 November 8th I had a communication regarding new base  
23 year requests; Mr. Nathan C. Benjamin on November 13th  
24 regarding public outreach and education on the part of  
25 the Board. His letter was on November 13th to me.

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1           On October 17th I spoke to the Chief  
2   Administrative Officer of Humboldt County regarding the  
3   waste permit for County Landfill versus Ferndale.  
4   Unfortunately, I don't have his name, but he was the  
5   Chief Administrative Officer. On October the 6th I spoke  
6   to Dr. Carla Jenorrhia (phonetic) and Ivan Jenorrhia, two  
7   engineers, regarding water purification and purifying  
8   contamination to achieve water purification and waste  
9   reduction in general.

10           October the 23rd I spoke to Leslie Lucox of  
11   Earth Agents regarding a proposal for -- for a public  
12   agency recycling project on the part of the Board. On  
13   October the 27th I spoke to Mike Swain, the plant manager  
14   of IM David Furniture regarding his recycling as well as  
15   a tour of his plant.

16           And finally on November the 10th I spoke to Gary  
17   Moore, Principal Sanitary Engineer, and John Dorsey, Lab  
18   Manager of the Los Angeles Stormwater Management Division  
19   regarding a site visit to the Los Angeles River.

20           CHAIR MOULTON-PATTERSON: Thank you, Senator  
21   Roberti. We're on Item 11 and this is discussion of the  
22   implementation of AB 75 including a presentation of  
23   agency plans as submitted.

24           Before I forget, Mr. Schiavo, Mr. Eaton is  
25   absent, as you know, but he would like to have some of

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1 the AB 75 plans brought up at the next meeting just so we  
2 can discuss them and so he can give his comments. So I  
3 wanted to mention that --

4 MR. SCHIAVO: Okay.

5 CHAIR MOULTON-PATTERSON: -- at the onset.

6 MR. SCHIAVO: Trevor O'Shaughnessy, who is the  
7 Supervisor of the Section that's responsible for  
8 reviewing the plans, is going to go ahead and make the  
9 presentation.

10 MR. O'SHAUGHNESSY: Good morning, Chair and  
11 Members of the Board. My name is Trevor O'Shaughnessy,  
12 Supervisor of the Project Recycle Program, and I'm here  
13 to make a presentation on the AB 75 implementation and  
14 what has been received and the progress made so far.

15 Just a brief overview of AB 75. AB 75 was  
16 signed by the Governor on October 10th, 1999, and it does  
17 mandate a diversion of 25 percent and 50 percent by 2002  
18 and 2004 respectively. It specifically identifies large  
19 state facilities within the legislation that include, but  
20 are not all inclusive of, colleges and universities, as  
21 well as prisons and Caltrans facilities.

22 The interim reports are to be submitted  
23 beginning April 1st, 2002, and the legislation does  
24 sunset on January 1st, 2006. Agencies that are  
25 participating in this program as stated in the

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1 legislation include offices, departments, divisions,  
2 boards, commissions, community colleges, universities and  
3 prisons.

4           Through the implementation and the development  
5 of the program, the Board has developed a definition of  
6 the state agency to help finite or bring the program  
7 together, and in the implementation of AB 75 the  
8 definition of a state agency is the highest level of the  
9 specific organization. Now, this was done for a specific  
10 reason or need for getting and bringing this program  
11 together.

12           By creating the highest level of a specific  
13 organization, it has streamlined and brought down the  
14 number of plans submitted. If we were to use the total  
15 definition as used in the statute, the Waste Management  
16 Board alone would have had to submit approximately 43  
17 plans because of our board, our divisions that we're made  
18 up of, the separate offices, et cetera. Large state  
19 facilities are specifically outlined and defined in  
20 statute, and that was the one that's been used for  
21 implementation of the program.

22           As a time line, as previously stated October  
23 10th is when this was signed by the Governor. January  
24 2000 the model plan was approved by the Board. March  
25 through April there was a series of statewide workshops.

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1 There was six and we had over 400 participants in our  
2 workshop which was a huge success for the entire program  
3 as well as the Board because we've never had such a huge  
4 response in active participants in the workshop.

5           May 2000, the Board -- this Board did approve  
6 the procedures and delegated the approval authority to  
7 the Executive Director that through that process a list  
8 of recommended agencies to be approved by this Board was  
9 provided to the Board Members where the Board Members  
10 would review the list and then they could either ask for  
11 specific agencies to come forward to the Board for review  
12 and/or comment or they could just be straightly approved  
13 by the Executive Director.

14           April through July, staff to do outreach and  
15 assistance to the state agencies, and since July 15th  
16 more than 423 plans have been received by the Board.  
17 January 1st, 2001 is when the Board is mandated to  
18 complete its review. Staff is diligently working on  
19 achieving that goal to the best of its ability.

20           March through November of 2001, outreach and  
21 assistance to state agencies will be provided by the  
22 program staff to help with program implementation to  
23 achieve the overall goals of AB 75. April 1st, 2002, as  
24 stated, is when the first interim reports are due to the  
25 Board.

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1           The current status, staff originally projected  
2 250 plans to be submitted to this Board to comply with AB  
3 75. Staff used the Department of Financial Services and  
4 their records of state agencies, as was defined by them,  
5 our understanding and history with working with state  
6 agencies, as well as using the staff and state directory  
7 or telephone book as just means of compiling the list of  
8 state facilities.

9           Once we were implementing the program, many  
10 commissions and boards came out that we didn't know of,  
11 and that brought our current total to 429 plans  
12 submitted. Plans approved by the Executive Director  
13 includes 53 plans approved by the Executive Director and  
14 most of those have been modified plans, and awaiting  
15 approval by either the Board or the Executive Director is  
16 59 plans currently.

17           An overview and example of submittals -- the  
18 overview and examples that we will be showing to and you  
19 presenting to you today include Chico State University,  
20 L.A. Community College District Office, the L.A. Trade  
21 Technical College, Caltrans District 6, Del Mar  
22 Fairgrounds, Department of Developmental Services and  
23 Mule Creek.

24           Each one of these show as an example of what  
25 we're using as our cornerstone measure point for

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1 evaluating all the other plans, and they either represent  
2 a university, a college, an office setting or the prisons  
3 and the Caltrans areas.

4           To begin with, we start with Chico State  
5 University. Much of this information was provided to you  
6 I believe just before the briefings as a handout and  
7 informational information, and on that you would be able  
8 to find the graphic. The graphic I apologize is not  
9 showing up very clearly on the overhead, but we'll do our  
10 best to walk through it.

11           Within the Chico State system and programs that  
12 they're implementing that represent all of the university  
13 systems is an office paper collection program, cardboard  
14 recycling, commercial composting, and composting where  
15 it's available or on-site composting if the university  
16 has the facilities of doing such.

17           Another item that's standing out currently is  
18 C&D recycling. C&D recycling is a huge program currently  
19 within the California university system. They're having  
20 a huge build-out, they're adding additional buildings,  
21 resources and remodeling activities are going there.  
22 They're changing their contracts, they're working with  
23 their contractors to implement recycling of C&D where  
24 traditionally it was not mandated or required within  
25 their contractual language.

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1           They do have grasscycling activities that are  
2 going on and they're expanding their grasscycling  
3 activities. Grasscycling was traditionally and has been  
4 done for many years on their large expansive turf areas,  
5 but now they've seen the benefits, seen the need and now  
6 they're moving that in closer to the administrative areas  
7 where they use their smaller lawnmowers. They're  
8 converting their fleets and implementing a stronger  
9 grasscycling program throughout the entire campus.

10           They have a materials exchange program where  
11 they're taking their old surplus materials and getting it  
12 back into the community through non-profit organizations  
13 and/or through the state surplus program. And this is  
14 not a traditional activity that was done and it's an  
15 expanding activity that's being done.

16           Specifically at the Chico State University, they  
17 have the student union self mandated itself and other  
18 campuses are looking at this. The student union took a  
19 vote and they said we want to increase our fees to  
20 implement a stronger recycling program. So they actually  
21 are funding themselves and funding their program to  
22 collect the recyclables from the campus to meet the needs  
23 not only of AB 75 but to meet the needs of the campus.  
24 And all the campuses throughout the state of California  
25 are looking at this same example.

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1           The next example would be the L.A. Community  
2 College District Office, and this is the actual office  
3 setting that runs all the community colleges in each one  
4 of the districts. Within the district office they have  
5 an office paper collection program. It's a mixed paper  
6 program. They don't have the abilities of doing a white  
7 office paper program because of contractual services  
8 within the areas, as well as just the convenience to the  
9 users.

10           They do have a cardboard collection program  
11 because of the large volume of cardboard they're dealing  
12 with with receiving and shipping of materials going in  
13 and out. They're looking at expanding their programs  
14 within the area that an office setting should be looking  
15 at expanding their programs which includes beverage  
16 containers, materials exchange, getting better equated to  
17 those activities and those programs to significantly  
18 increase their diversion program.

19           Currently their diversion is at 25 percent.  
20 This is certainly not an exemplary district office.  
21 However, it shows a standard of what's being done, a  
22 recognition of the activities that need to be done, and  
23 this would be one of the areas that Board staff would  
24 focus on when we're going out and offering the assistance  
25 through the year 2001.

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1           The L.A. Trade Technical College, this college  
2 is an extreme college from the standpoint of they don't  
3 have a significant turf, landscape, zeroscaped or any  
4 other areas such as that. They're set in a downtown  
5 setting, very urban developed college, lots of concrete  
6 and lots of buildings, but they still recognize, as all  
7 of the community colleges do, that office paper is  
8 needed. That's what they generate and that's what  
9 they're diverting.

10           They do have some grasscycling where they do  
11 have smaller turf areas that they are diverting and  
12 leaving on-site. They have a scrap metal recycling  
13 program. They have a very significant program here  
14 because they have an automotive education program or  
15 curriculum there. And they're diverting those materials.

16           Special collection programs they have, they have  
17 special waste and special collection programs as a high  
18 diversion activity for them, but that's because they're  
19 very specific and special in the activities that they  
20 have. They have a food prep class or course in food  
21 preparation or restaurants. The materials, the meals  
22 that are developed here are either sold to students,  
23 staff or donated to local communities.

24           They also have a garment manufacturing or trade  
25 class there as well where the items made are either sold,

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1 donated or the leftover trimmings of materials that are  
2 not useful to them are provided to local manufacturers  
3 and local businesses and non-profits.

4           The next example would be Caltrans. Now, this  
5 is an exemplary program when you look at Caltrans  
6 throughout the state of California. District 6 out of  
7 all the districts took this activity of AB 75 to heart  
8 and looked at themselves very diligently. And we're  
9 using District 6 as a measurement tool and asking for the  
10 background information and the backing information.

11           They do have a scrap metal recycling program.  
12 This includes road signs taken out by cars, the barriers  
13 taken out by cars in the median between as well as  
14 anything else, and other metal materials that they  
15 collect from activities within the right-of-ways.

16           They have concrete and asphalt recycling.  
17 They're increasing their activities and working on  
18 developing as a headquarters policy language to put in  
19 their contracts to require this in black and white of  
20 their contractors of doing these activities.

21           They have wood waste mulching. This activity we  
22 can see even here in Sacramento where we see the piles of  
23 wood waste materials, mulch material, that not only  
24 Caltrans crews are collecting but also local tree  
25 trimmers are using in the median areas as a weed

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1 abatement, as well as a moisture activity or material to  
2 benefit the soils as well as the landscapes that are  
3 being put in.

4           They have office paper recycling within the  
5 district office. They use -- they have the high use of  
6 retread tires. They use a RAC material and they also  
7 have contractor reporting requirements specifically  
8 within the district, but also again as stated the  
9 headquarters is looking at modifying their contract  
10 language to include these activities.

11           The next would be fairgrounds or state  
12 fairgrounds and Del Mar Fairgrounds was used as an  
13 exemplary program. They have a very high diversion  
14 overall and their current records are looking at  
15 approximately 90 percent diversion.

16           They are in a very favorable position. They're  
17 in the Del Mar area. The community down there has very  
18 strong programs and they're actively participating and  
19 implementing those programs with the community. They  
20 have straw recycling, they have cardboard recycling, they  
21 have food waste diversion including the on-site  
22 demonstration area for the vermacomposting that is open  
23 during the fair time, that they take actual food waste  
24 materials from the preppings of their vendors and place  
25 it in there as a demonstration area and an overall

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1 diversion. They have composting programs where they're  
2 working with the local commercial composter to get a high  
3 diversion going there as well.

4           One thing that's not only exemplary or specific  
5 to the Del Mar Fairgrounds but to all fairs is that they  
6 have vendor cooperative agreements as well as contract  
7 requirements. The vendors are cooperatively working  
8 together with the fairgrounds because they recognize as a  
9 vendor standpoint the more they throw away, the higher  
10 their disposal fees will be for the fairground which  
11 means less profits because the fairs don't pay anything.  
12 They put all their costs on to their vendors as well as  
13 the visitors if they're increasing the fees for  
14 participation at the fairgrounds.

15           They're under contract requirements. Contract  
16 requirements at the Del Mar, at Cal Expo here locally,  
17 require the contractors to participate in their programs.  
18 However, the Del Mar goes one step further than any other  
19 fairground within the state. They actually fined their  
20 vendors for not participating.

21           The beautiful thing about working with the  
22 vendors at the fairgrounds is the box basically states  
23 who the vendor is. If it's an artichoke heart, fried  
24 artichoke hearts, you primarily have one vendor that's  
25 doing that item. So you can go to that vendor and say

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1 your box was thrown away in our Dumpster. Why is it  
2 there and not in our cardboard recycling program? Well,  
3 we made a mistake. Here's your first warning. Don't do  
4 it again. If they do it again, then they implement a  
5 fining structure that starts out at \$100 and goes up from  
6 there. So they are implementing a strong incentive to  
7 vendors to participate in their programs.

8           The Department of Developmental Services is a  
9 representative agency of office settings. You have a  
10 strong office paper recycling program that includes a  
11 mixed -- or a white paper program for white office paper.  
12 You also have a mixed paper program, cardboard, business  
13 source reduction, which would include the use of the --  
14 an expanded use of the internet, putting brochures and  
15 educational materials online and referring their  
16 customers to that, significantly reducing their  
17 publications or their need for handouts and brochures.  
18 And they have their materials exchange, again working  
19 with the General Services, surplus materials, as well as  
20 CalMAX and other activities that they're listing there.

21           The Mule Kick prison is another exemplary  
22 program of a prison setting. It is certainly not  
23 representative of all of them, but it is the marker or  
24 the corner stone that we're going to be measuring the  
25 other prisons by. They have clothing and textile

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1 refurbishing and recycling. They remanufacture, remake,  
2 mend clothing where reasonable and feasible, or their  
3 textiles are recycled and diverted. Their mattress  
4 refurbishing and recycling program, again the same  
5 activities are going on with those items.

6           Wood pallet repair and reuse, the prisons have a  
7 benefit of having a very cheap labor force available to  
8 them, so they use that labor force to refurbish pallets,  
9 to recycle their activities and their materials. They  
10 have a rendering program and participating with their  
11 towel load and other items like that. That is collected  
12 and diverted. And they do have a zeroscaping and  
13 grasscycling program to reduce the overall landscape  
14 maintenance, they have their zeroscaping and their  
15 grasscycling. They do leave their clippings on-site.

16           Before I go into my questions from the Board  
17 Members, the final comment that would be made is that the  
18 state of California is operating and implementing a  
19 business-like program. AB 75 is an activity that has  
20 been done by many businesses, by Hewlett Packard, by IBM,  
21 by Jim's Doughnuts for that matter. By implementing  
22 that, you're able to see where you can finite and  
23 streamline your overall activities to increase your  
24 bottom line profits for your shareholders.

25           AB 75 I feel is going to be showing that. It's

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1 going to be showing where and how we can streamline, fix  
2 what's wrong out there to be an efficient business, to  
3 increase our profits so that the shareholders can have  
4 what we have this year which was a tax return or dividend  
5 return.

6 With that, I'm available for questions. The  
7 Project Recycle staff is also available for questions on  
8 any specific site that was presented here today.

9 CHAIR MOULTON-PATTERSON: Thank you,  
10 Mr. O'Shaughnessy, for a great report. Questions? I  
11 have a few comments.

12 Mr. Paparian.

13 BOARD MEMBER PAPARIAN: I had several questions  
14 actually. I'll start with the general. You said we  
15 should be getting 59 plans pretty soon for approval. How  
16 many state facilities have not turned in their plans at  
17 this point? Have you got a sense of that?

18 MR. O'SHAUGHNESSY: Approximately by our  
19 counts -- and again I would like to state that originally  
20 our projections were significantly low but we did go  
21 through and do a new evaluation and understanding, and we  
22 originally identified -- Phil, can you help me? Was it  
23 177 state agencies. From that, they recognized their  
24 errors and we're at approximately 30 state facilities or  
25 agencies that have not submitted something to the best of

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1 our knowledge.

2           Now, from that number it could be smaller  
3 because with our move -- not to put a blame on that, but  
4 plans have been coming on a daily basis and we've been  
5 holding those. So our database they haven't been entered  
6 in.

7           MR. MORALEZ: I think an interesting point is  
8 that when we noted there was 176 agencies, we used  
9 several different sources to try to identify who those  
10 agencies were. Interesting to find out that many of the  
11 agencies don't exist. They don't exist in the physical  
12 presence but they exist by law. So some of those numbers  
13 were reduced significantly.

14           We also found that some of the plans we received  
15 were sent by the parent agency encompassing three or four  
16 of the smaller agencies under their jurisdiction. A good  
17 example is the Secretary of State's office who had 15  
18 commissions that are listed as part of their  
19 infrastructure that come into play only in an emergency  
20 situation. So we've had to work with some of the  
21 numbers.

22           The actual count we have right now that we can  
23 best get to is a little over 400, as Trevor mentioned,  
24 but we really believe it's probably closer to 500 that we  
25 have received because we haven't been able to go through

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1 all the applications and the way our database is set up.  
2 Of the numbers we have 30, maybe 32 that I'm able to  
3 identify that we have yet to receive a response from, and  
4 I would say half of those are from community colleges  
5 inasmuch as they tend to -- some of them are still  
6 tending to feel they're independent from this law, but  
7 the majority of them have been responsive.

8 BOARD MEMBER PAPARIAN: Other than the community  
9 colleges, any entities that I might consider significant?

10 MR. MORALEZ: I would have to go back and look  
11 at the list, but my sense was that there weren't any.  
12 All the major departments and large departments had  
13 already submitted their plans. We had some that we had  
14 to send a follow-up letter to. On September 6th we sent  
15 a letter, a memo from Mr. Chandler, noting these  
16 agencies, that they had not yet -- we had not received  
17 their plan, and after that we started getting a number of  
18 phone calls and plans were being submitted.

19 BOARD MEMBER PAPARIAN: We've seen so far  
20 50-some plans and we've got another 50-some in the  
21 pipeline to be approved. How about plans that you think  
22 have problems associated with them? Are you seeing any  
23 of those? Should we expect to see some of those in  
24 December?

25 MR. MORALEZ: Well, we intentionally haven't

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1 brought them to the Board because the process has been to  
2 work with those agencies, to get clarity to the  
3 information they've provided. In many cases the  
4 information -- and staff is doing a diligent review.  
5 They're not just accepting them cart blanche, they're  
6 looking at the numbers, something didn't seem to be  
7 reasonable, they're calling, they're questioning, they're  
8 asking for clarity.

9           So what we are finding is that the process is a  
10 slow and tedious one. You may get the plan, but it takes  
11 a while to get the information back and we have had one  
12 agency that has not responded back to any of our  
13 questions and we've -- and it's unfortunately a BDO in  
14 our agency, and we're just waiting to hear if we're ever  
15 going to hear back from them.

16           MR. O'SHAUGHNESSY: And on that the difficulty  
17 is that with many of the mandates that all state agencies  
18 have and all of their tasks of implementing, staff has  
19 diligently been working to communicate with them. And as  
20 Phil Morales has said, one of the BDOs within the Cal/EPA  
21 program, over eight weeks we've been working with them  
22 prior to sending out the letter signed by the Executive  
23 Director of this Board, asking for additional background  
24 information, clarification of what's been submitted.

25           So we can't really determine that a plan is

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1 incomplete or complete unless we have all the  
2 information. Yes, we could bring forward a plan to you  
3 right now, today as we're speaking that says here's a  
4 plan but we can't tell you the actual status because we  
5 don't know all the information.

6           We still have questions about what do you mean  
7 by, an example, a non-layer, and it came from a prison  
8 facility. I had no idea what a non-layer was. It was  
9 their chickens. They had their own chicken ranch, their  
10 own chicken coops. They then were using the eggs to feed  
11 themselves. Well, once a chicken has produced all it  
12 can, their term for it was a non-layer.

13           So we didn't understand that and there's many of  
14 those type of things because we don't understand how  
15 businesses operate, what their statutes are, their  
16 terminologies. So that is where a lot of the  
17 clarification is coming in and staff is diligently  
18 working to get those understandings.

19           BOARD MEMBER PAPARIAN: Is my understanding  
20 right we're supposed to have the plans done by January  
21 1st?

22           MR. O'SHAUGHNESSY: That is the statute  
23 requirement.

24           BOARD MEMBER PAPARIAN: If we're going to  
25 approve plans to meet that deadline, we have to approve

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1   them all before the December board meeting; right?

2               MR. O'SHAUGHNESSY: Well, with the delegated  
3   authority and through the Executive Director, as long as  
4   we're providing enough time in advance for this Board,  
5   that's not necessarily true. We really have until  
6   December 31st because the Executive Director could be  
7   signing off.

8               BOARD MEMBER PAPARIAN: Right. But if we wanted  
9   to pull one of those plans for review and it was after  
10   the December board meeting it would then be the January  
11   board meeting.

12              MR. O'SHAUGHNESSY: That would be a true  
13   statement.

14              MR. SCHIAVO: Also, the process has been  
15   delayed, as Trevor mentioned, trying to go back and forth  
16   regarding answering questions. There's probably about 70  
17   or 80 of them that are in that status and that's been  
18   delaying the process anywhere from two weeks to two  
19   months.

20              In addition, we had a number of late submittals  
21   from the state agencies and again that's delayed the  
22   process. So we've moved it along as quickly as we can,  
23   but with some of these unforeseen circumstances it has  
24   taken a little longer.

25              BOARD MEMBER PAPARIAN: Let me ask a couple of

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1 quick questions about the specifics that you've provided.  
2 On Cal State Chico, they had put a disposal number in  
3 there. Do you know how the disposal number was arrived  
4 at?

5 MR. O'SHAUGHNESSY: If I could, I would like to  
6 call Al Chaney forward. He was the reviewer of that  
7 program and he working with the recycling coordinator of  
8 that facility.

9 MR. CHANEY: Good morning, Madam Chair, and good  
10 morning, Members of the Board. My name is Al Chaney and  
11 I've been the staff that's been assigned to work with  
12 Chico State University. Mr. Paparian, I'm sorry. I  
13 didn't hear your question.

14 BOARD MEMBER PAPARIAN: There's a disposal  
15 number, the amount of waste that they're presumably  
16 sending to a landfill.

17 MR. CHANEY: Yes.

18 BOARD MEMBER PAPARIAN: Do you know how that  
19 number was arrived at?

20 MR. CHANEY: That number was arrived at as a  
21 combination of Chico State's recycling coordinator  
22 working with the local waste hauler and also from the  
23 diversion study guide which we were using here at the  
24 Board. That's how they arrived at their numbers.

25 Chico State and also the other colleges that

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1 I've worked with have worked a lot with their waste  
2 haulers, but it's been a combination here at Chico State  
3 of using numbers that they received from their waste  
4 hauler and also from our diversion study guide which we  
5 provided.

6 BOARD MEMBER PAPARIAN: Okay. The -- actually,  
7 that brings up another issue. The diversion study guide  
8 suggests a figure of .12 tons per student per year. Are  
9 we doing any double-checking to see if that seems like a  
10 reasonable number where you have one college where  
11 there's a lot of residents on the campus and another  
12 college it is purely commuter?

13 MR. O'SHAUGHNESSY: One clarification. On the  
14 disposal aspect, the campus of Chico as well as all the  
15 other ones work specifically with their haulers. The  
16 diversion study guide and the materials provided for  
17 identification of diversion activities is where the  
18 numbers came in, but from a disposal standpoint nobody  
19 used that default number that we know of.

20 Additionally, we're doing our best to understand  
21 the plans and the programs that are implementing and we  
22 haven't had the full opportunity to go out and  
23 double-check and verify their numbers. The same as local  
24 government was done, we're starting out with a point of  
25 trust, so to speak, and saying okay, what programs are

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1 you going to implement, how are you going to achieve your  
2 overall diversion, and then hopefully within the  
3 implementation of the entire program as diversion is  
4 being implemented, as programs are being implemented,  
5 then going out and doing a spot evaluation or, if you  
6 will, an audit of factual what is going on out here.

7           MR. SCHIAVO: I'd like to mention one other  
8 thing real quickly is these are -- unlike the plans for  
9 jurisdictions, these plans require a new generation study  
10 every year and this is the initial plan. So once these  
11 plans are reviewed, we'll have the opportunity -- as  
12 Trevor mentioned, we'll go out and actually look at what  
13 is actually going on, does it make sense before the  
14 actual submittal of annual reports that are going to  
15 state whether or not a community college or whatever kind  
16 of facility has met the 25 percent goal in 2002.

17           BOARD MEMBER PAPARIAN: Thanks.

18           One quick question on Caltrans. Among the  
19 things that Caltrans does, it provides a lot of funding  
20 for things like the Capitol Corridor Train or in the case  
21 we have here, the San Joaquine Train I think it's called.  
22 They have several runs a day. In AB 75 can we reach down  
23 and look at the recycling programs that happen on the  
24 trains because they're funding a significant portion of  
25 those?

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1           MR. O'SHAUGHNESSY: I think we would have to  
2 look at what control they have over that funding. That's  
3 the way the program has really been implemented. If the  
4 lead agency or the decision making agency can  
5 significantly impact or tell that authority, in this case  
6 the train, you will do this, if they have that authority,  
7 then I would say yes, we could go down there.

8           But if the Amtrak or the train services is  
9 independent and the funding is being provided as a  
10 service to increase the participation in mass transit and  
11 they can't go in and say you know, in order to get this  
12 money you have to do this, if that ability is not built  
13 into the system then -- the way that the program is being  
14 implemented and the way the law reads is I don't see how  
15 they could specifically say as a train you need to do  
16 these type of services.

17          BOARD MEMBER PAPARIAN: But basically you're  
18 saying if they have the power to do it, then we can look  
19 at things like that.

20          MR. O'SHAUGHNESSY: That would be, yes.

21          BOARD MEMBER PAPARIAN: And last question. Are  
22 you seeing many facilities attributing noticeable amounts  
23 to grasscycling or other source reduction activities?

24          MR. O'SHAUGHNESSY: When you're looking at the  
25 entire campus diversion or the facility diversion, the

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1 grasscycling is a small percentage of the overall  
2 diversion. They are relying on significantly more  
3 impacting programs. In the case of a campus such as a  
4 college or university, you have the paper and other  
5 items. In the state offices the vast majority of them  
6 don't have grasscycling because they're in leased  
7 buildings and they have no control over their landscape  
8 similar to what we had here.

9 BOARD MEMBER PAPARIAN: If you run across ones  
10 that have significant grasscycling or other source  
11 reduction, things contributing to their numbers, that's  
12 something I would like to just know about.

13 MR. O'SHAUGHNESSY: As a definition, a working  
14 definition between staff and the Board, what would be  
15 considered significant? Are you looking at 10 percent of  
16 their total diversion? 25 percent of their total  
17 diversion?

18 BOARD MEMBER PAPARIAN: 10 to 15 percent.

19 MR. O'SHAUGHNESSY: 10 to 15 percent? Thank  
20 you.

21 BOARD MEMBER PAPARIAN: And I'm not saying I  
22 would object to it.

23 MR. O'SHAUGHNESSY: No, I understand. That just  
24 gives us clear guidance so as we're evaluating the plans  
25 and we have ones that's 10 percent or higher, then we can

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1 note that to bring that to the attention of the Board  
2 that there's high of diversion through grasscycling.

3 MS. TOBIAS: Madam Chair.

4 CHAIR MOULTON-PATTERSON: Yes.

5 MS. TOBIAS: We will try to work with the  
6 program on Mr. Paparian's question as well in terms of to  
7 to what extent has that included programs that they fund.

8 CHAIR MOULTON-PATTERSON: Thank you. Any other  
9 comments or questions?

10 Mr. Jones.

11 BOARD MEMBER JONES: Just a quick question and I  
12 guess a procedural one. You said that the diversion  
13 guide had been given to all these agencies to use, which  
14 I understood that to be true before, but we had a great  
15 workshop last week and there's a lot of question about a  
16 few parts of that diversion guide that I think is going  
17 to take -- I think we had said that we needed to probably  
18 put some people looking at these numbers and that, some  
19 kind of working group.

20 Are we leaving ourselves some kind of a -- are  
21 we giving a caveat to this thing is still under peer  
22 review and has not been accepted by the Board? Because  
23 I'm hoping that we still do an awful lot more work on  
24 that based on a lot of testimony that we got and looking  
25 at how important it is to kind of tighten up that number,

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1 some of those numbers.

2 So I would hope that that doesn't -- I hope we  
3 don't get ourselves in a box because I still think we  
4 have a lot of work to do on that diversion guide.

5 MR. O'SHAUGHNESSY: During all the workshops it  
6 was made clear that the materials, the supplies, the  
7 working items were drafts, were working documents to help  
8 the state agencies develop a plan to meet the mandates of  
9 AB 75.

10 But as was stated by Pat Schiavo, these plans  
11 are just that. They're plans and they're doing a  
12 generation based study every year. So in a sense we can  
13 go out there with clarification workshops that says hey,  
14 a number for whatever the item is, in the case of  
15 hopefully a toaster, it's not a hundred pounds, it's  
16 really only one pound. But we always have that  
17 opportunity to go out and work with these state agencies  
18 and to clarify diversion activities.

19 The other thing that would be stated is that  
20 many of the items that were used through the diversion  
21 study guide for the implementation of the entire program,  
22 many were not disputed items because they're working with  
23 the standard office setting and activities that are going  
24 on. If they had an item that was in dispute, a metal  
25 item, whether a toaster or a bed or something like that,

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1 looking at a prison, they're getting actual weight  
2 tickets because they're getting monetary return back to  
3 the facilities and to the state, so they're monitoring  
4 both sides of those. They're using the hard numbers and  
5 not extrapolating.

6 BOARD MEMBER JONES: I don't have a problem with  
7 that. What I have a problem with is when we start  
8 looking at the weight of garbage saying that if you look  
9 in our waste characterization it's 84 pounds per cubic  
10 yard. We know that's not accurate. Others have used 115  
11 pounds per cubic yard. We know that's not accurate.

12 If those are in the diversion guide like in  
13 Chico, Chico I think has one hauler for the college. But  
14 if they have multiple haulers and somebody at a state  
15 agency decided to go out and look and count containers  
16 and look at capacity and do the extrapolation, that ain't  
17 gonna work.

18 MR. SCHIAVO: I just want to add something. As  
19 Trevor mentioned, this first set are plans. They can be  
20 changed but the first annual reports are due April 1st,  
21 2002. So there's plenty of time to make any kind of  
22 adjustments to that.

23 CHAIR MOULTON-PATTERSON: Thank you.

24 I just am real impressed with Chico involving  
25 their student body. Is there any way that we can

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1 encourage other community colleges to do that or --

2 MR. O'SHAUGHNESSY: Many of the -- Chico State  
3 is a state university and not one of the community  
4 colleges.

5 CHAIR MOULTON-PATTERSON: My daughter went  
6 there. Sorry.

7 MR. O'SHAUGHNESSY: But on that note, many of  
8 the campuses are looking at that. The difficult part  
9 about implementing that type of program is you're going  
10 to your students that may or may not be just scraping by  
11 and saying pay more money to go here. So it's a debate  
12 activity that's going on, but many of the campuses are  
13 looking at that and viewing that and saying how can we  
14 incorporate that type of thing into our programs.

15 The community colleges are looking at the same  
16 activities, and there are some pilot evaluations that  
17 have been discussed in workshops that aren't presented in  
18 their AB 75 plans but have been talked about at the CRA  
19 conference and community college conferences, et cetera,  
20 about looking at how to present and get the student body  
21 involved and show the benefit not only of the diversion,  
22 but maybe monetarily to increase the aesthetic values and  
23 needs of their campus and keeping the funding on-site.  
24 And that really seems to be the carrot in front of the  
25 student body to say look, if you are asked to pay a

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1 dollar more, here are all the benefits you'll get from  
2 that program.

3 CHAIR MOULTON-PATTERSON: Thank you.

4 I guess just to conclude that, not necessarily  
5 financially. That's great that they're doing that, but  
6 in any way that the community colleges or at Cal State  
7 universities if they can get the student body involved,  
8 and I think it would really be wonderful. So anything  
9 our staff can do to promote that I would sure be in favor  
10 of. And then another question. That Caltrans Division 6  
11 or whatever division.

12 MR. O'SHAUGHNESSY: District 6.

13 CHAIR MOULTON-PATTERSON: And the fairground,  
14 Del Mar Fairgrounds and the prison you mentioned, those  
15 seem to be really good programs. Is there any way that  
16 they can let their other divisions know? You know what I  
17 mean? It's hard for everybody to start at the beginning,  
18 and I just -- if you can say here, here's a successful  
19 program. Do you guys do that?

20 MR. O'SHAUGHNESSY: Yes. We have been actively  
21 doing that currently, and many of these instances, in  
22 fact the ones that were presented, the Mule Creek Prison,  
23 the headquarters office consolidated and coordinated all  
24 that and they found that one of their prisons had a  
25 significantly low diversion rate and they're also the one

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1 that was always asking for a budget increase. So now  
2 they're focusing down there and saying look, you need to  
3 implement these programs because you're not going to get  
4 any more money because of the money you're throwing away.

5 So there is that focus, there is that  
6 headquarters focus. Additionally, staff has been  
7 assigned to specific activities and there is one  
8 coordinator working with all the prisons. So when we go  
9 out and do our workshops, we will focus and do those  
10 types of activities, the same with Caltrans, the  
11 colleges, the community colleges and so on.

12 CHAIR MOULTON-PATTERSON: Thank you very much.  
13 This was really interesting and we appreciate the report.  
14 I guess there aren't any other questions. Thank you.

15 MR. O'SHAUGHNESSY: Thank you.

16 CHAIR MOULTON-PATTERSON: Okay. Number 12.

17 Mr. Schiavo.

18 MR. SCHIAVO: Number 12 is consideration of  
19 award recipients for the Board's Trash Cutter Awards  
20 program for local governments.

21 This is the third year of the Trash Cutters  
22 program. We've essentially followed the pattern of the  
23 prior two years' program where we have outside people  
24 provide the reviews and Vicki Adamu will be making her, I  
25 believe, first presentation to the Board today regarding

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1 the process and potential winners.

2 MS. ADAMU: Good morning. My name is Vicki  
3 Adamu and I'm with the Office of Local Assistance, and  
4 this is discussing Item Number 12, consideration of the  
5 Trash Cutter Award recipients.

6 The Trash Cutter's program recognizes local  
7 governments for their outstanding efforts in implementing  
8 programs to meet, maintain and go beyond the diversion  
9 goals. This is the third annual cycle for the Trash  
10 Cutter Awards.

11 In 1998, the Integrated Waste Management Board  
12 partnered with the Local Government Technical Advisory  
13 Committee to develop an awards program to recognize local  
14 governments for their outstanding waste reduction  
15 efforts. The Local Government Technical Advisory  
16 Committee was created by PRC 40703. The committee and  
17 the Board staff developed the program which included  
18 designing an awards program, application, developing  
19 award categories and criteria, judging local government  
20 applications, and recommending to the Board on award  
21 recipients and developing case study information of  
22 effective local government waste reduction programs.

23 The Trash Cutter winners receive recognition  
24 from the Integrated Waste Management Board and are placed  
25 on the Board's web site in an effort to share their

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1 program's success with other jurisdictions and others  
2 that may be interested. This year the application and  
3 informational brochure were placed on the Board's web  
4 site and were also mailed in June to all jurisdictions  
5 eligible to participate in this year's award cycle.  
6 Board staff also promoted the program at regional  
7 workshops, local task force meetings, and a presentation  
8 was made at this year's CRRRA conference.

9           To be able to participate, the applicant's  
10 program must still be operating in 1999. In addition,  
11 programs scheduled for expansion in 1999 were considered.  
12 Also, hazardous waste programs and programs that were  
13 started in 2000 were not eligible. Jurisdictions that  
14 were on compliance during the awards cycle were also not  
15 eligible.

16           Programs must include significant involvement on  
17 the part of the local government and be submitted by the  
18 local government agency responsible for implementing AB  
19 939.

20           The Board received 27 applications. There were  
21 applications submitted for each of the 12 award  
22 categories. Applications were judged on the following  
23 criteria: Reduction in tons landfilled,  
24 cost-effectiveness, participation rate, demonstration of  
25 a cooperative approach to reducing waste, program

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1 comprehensiveness and flexibility, use of innovative  
2 ideas and technologies, contribution to job creation and  
3 market development, and positive effect on other local  
4 environmental impacts.

5           An E-mail was sent to all the jurisdictions  
6 asking for volunteers to participate in judging the  
7 applications. Four representatives were Jeff Ruble from  
8 the City of Concord, Doug Eubanks from Sacramento County,  
9 Bob Kohn from Tehama County, and Jamie Cologne, a  
10 consultant with California Waste. A big thanks to all of  
11 them for their time and support.

12           The judges selected the 12 category award  
13 winners as well as 15 honorable recognition recipients.  
14 The following applications were selected to receive the  
15 Trash Cutter award: City of Vacaville for creative  
16 partnerships; City of San Diego, organics management; Los  
17 Angeles County, innovation; Los Angeles County,  
18 procurement; City of Millbrae, recycling; Los Angeles  
19 County, waste prevention; City of Santa Fe Springs, C&D  
20 debris management; Ventura County, regional waste  
21 reduction; City of San Diego, schools; City of Vacaville,  
22 public information; San Luis Obispo County, rural waste  
23 reduction; and Los Angeles County, urban waste reduction.

24           Staff is recommending approval of the 12 award  
25 winners and the 15 honorable recognition recipients.

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1 Also, staff will be bringing the award winners to the  
2 December board meeting for a presentation of the awards.

3 This concludes my presentation. Are there any  
4 questions to staff?

5 CHAIR MOULTON-PATTERSON: Questions?

6 Mr. Jones.

7 BOARD MEMBER JONES: I have a couple of  
8 questions. There's no -- this is one of the few programs  
9 I guess we have that we just don't come out and ask if  
10 there's a green procurement program. I know most of our  
11 grants and awards have been tailored to at least put in a  
12 recognition that there's a green procurement program.

13 Do we do that? I don't see it in the  
14 application.

15 MS. MORGAN: It's not a part of the screening  
16 criteria. One of the word categories is specifically for  
17 procurement but it's not part of the scoring criteria  
18 now. Certainly if the Board would like us to, we can  
19 provide that.

20 BOARD MEMBER JONES: I know we're getting an  
21 award sometime this month from the hazardous waste for  
22 some hazardous waste group because it's become part of  
23 all of our grant applications in household hazardous  
24 waste that we look at green procurement, and I think our  
25 award was for putting our money where our mouth was. So

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1 I think that's important.

2 I think the other one -- I'm not going to  
3 second-guess the choices, but I sure hope that the urban  
4 waste reduction wasn't a result of 60 percent source  
5 reduction in some of these new base years that we're  
6 seeing that are still at issue because I'm not prepared  
7 to approve an award for contested math. So give me a  
8 little relief here.

9 MS. MORGAN: I don't believe L.A. County is on a  
10 compliance order nor is it based upon any base year they  
11 submitted. So there is no connection.

12 BOARD MEMBER JONES: It's not the cities and  
13 counties within, it's not the cities within their  
14 counties that have come forward with 60 and 70 percent  
15 source reduction.

16 MS. MORGAN: It's based upon L.A. County's  
17 programs for their residents.

18 BOARD MEMBER JONES: Okay. All right.

19 BOARD MEMBER ROBERTI: You mean the  
20 unincorporated L.A. County?

21 MS. MORGAN: Yes.

22 CHAIR MOULTON-PATTERSON: Any other questions?

23 Thank you very much.

24 BOARD MEMBER ROBERTI: Madam Chair, this award  
25 on this I think is a good program that we're sponsoring.

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1 I just would hope we sort of ratchet up the intensity of  
2 awareness because a lot of jurisdictions I guess look for  
3 recognition. So maybe if we sort of put the same  
4 emphasis on this as we do on WRAP or almost as much, I  
5 think it would be very, very good. Otherwise, I think  
6 it's fine and I commend the staff for working on it.

7 CHAIR MOULTON-PATTERSON: I agree. In fact, I  
8 was going to bring that up. I think there should be as  
9 much press and recognition as we can give to the  
10 jurisdictions. So thank you for bringing that up.

11 Also would you -- do we -- would the Board like  
12 to give direction that next year maybe we should include  
13 asking if they have a green procurement policy?

14 BOARD MEMBER JONES: I think personally I would  
15 like to see the criteria come forward as an item before  
16 you guys get ready so we can have a discussion. We've  
17 got an awful lot of categories with the same names and  
18 maybe we need to look at -- there's 27 people applied.  
19 That's 27 jurisdictions in the state, and a lot of them  
20 are being excluded because of either the fact that they  
21 don't have the staff to work on the applications quite as  
22 effectively.

23 I just -- I always like looking at them. I know  
24 when we did the first one, Litech was still -- it was  
25 still an entity here and it was coincidental that

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1 everybody member of Litech's jurisdiction got an award.  
2 Probably they all deserved them, but it was coincidental  
3 I'm sure, but it just -- I think we need to look at that  
4 a little bit.

5 CHAIR MOULTON-PATTERSON: Mr. Medina.

6 BOARD MEMBER MEDINA: I had a question in regard  
7 to the composition of the panel of local government  
8 representatives. How are they selected? Is this a panel  
9 that changes every year or how does that work?

10 MS. MORGAN: The panel was selected on a  
11 volunteer basis. What the Office of Local Assistance  
12 does is we send out through E-mail and to various  
13 contacts a letter seeking volunteers from local  
14 jurisdictions. Since this is a local jurisdiction award  
15 program, we seek local jurisdiction representatives.  
16 This year we received the four volunteers who were  
17 interested in participating.

18 BOARD MEMBER MEDINA: And where were the  
19 volunteers from?

20 MS. ADAMU: Jeff Ruble from the City of Concord,  
21 Doug Eubanks from Sacramento County, Bob Kohn from Tahema  
22 County, and Jamie Cologne, a consultant with California  
23 Waste.

24 BOARD MEMBER MEDINA: Thank you.

25 CHAIR MOULTON-PATTERSON: Mr. Papanian.

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1           BOARD MEMBER PAPARIAN:   Some of the questions  
2   that have come up make me think that we have several  
3   awards programs here at the Board, and if we start  
4   tinkering with the criteria we may want to look more  
5   broadly at all the awards programs and make sure we have  
6   some consistency in the types of criteria we have across  
7   the different awards programs.

8           So if it comes up -- I can work with staff on  
9   this, but if it comes up as an agenda item, the criteria,  
10   we may want to see whether that criteria ought to apply  
11   consistently to other awards programs as well.

12          CHAIR MOULTON-PATTERSON:   Thank you for bringing  
13   that up.

14          Do we have a motion for the Trash Cutter awards?

15          BOARD MEMBER MEDINA:   So moved.

16          CHAIR MOULTON-PATTERSON:   We have a motion by  
17   Mr. Medina.

18          BOARD MEMBER ROBERTI:   Second.

19          CHAIR MOULTON-PATTERSON:   Seconded by Senator  
20   Roberti to approve the award recipients for the Board's  
21   Trash Cutter awards program for local governments,  
22   Resolution 2000-469.

23          Please call the roll.

24          BOARD SECRETARY:   Jones.

25          BOARD MEMBER JONES:   Aye.

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1           BOARD SECRETARY: Medina.

2           BOARD MEMBER MEDINA: Aye.

3           BOARD SECRETARY: Paparian.

4           BOARD MEMBER PAPARIAN: Aye.

5           BOARD SECRETARY: Roberti.

6           BOARD MEMBER ROBERTI: Aye.

7           BOARD SECRETARY: Moulton-Patterson.

8           CHAIR MOULTON-PATTERSON: Aye.

9           Thank you, Mr. Schiavo.

10          We will take a ten-minute break at this time

11 please.

12          (Recess taken)

13          CHAIR MOULTON-PATTERSON: I'd like to call the

14 meeting back to order. We're on Number 13, Permits.

15          MR. WALKER: Scott Walker, Permitting and

16 Enforcement Division.

17          Item 13 is consideration of approval of new

18 sites for the solid waste disposal and codisposal site

19 cleanup program.

20          CHAIR MOULTON-PATTERSON: Mr. Walker, I

21 apologize. We need to do ex partes first. I forgot. I

22 would like to ex parte for all the Board Members we just

23 received a fax from SWANA from Mr. John Skinner on a

24 number of items. We have not had time to read it, but I

25 did want you to know we do all have it at this point and

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1 we'll read it.

2 Mr. Jones.

3 BOARD MEMBER JONES: That's it for me.

4 CHAIR MOULTON-PATTERSON: Mr. Medina.

5 BOARD MEMBER MEDINA: Terry McGowen.

6 CHAIR MOULTON-PATTERSON: Okay. Mr. Paparian.

7 BOARD MEMBER PAPARIAN: None.

8 CHAIR MOULTON-PATTERSON: Senator Roberti.

9 BOARD MEMBER ROBERTI: None. Thank you.

10 CHAIR MOULTON-PATTERSON: Thank you. Sorry,  
11 Mr. Walker. Please continue.

12 MR. WALKER: Thank you. Madam Chair, Members of  
13 the Board, this item presents consideration of approval  
14 four illegal disposal site cleanup project applications  
15 pursuant to the solid waste cleanup or AB 2136 program.  
16 Staff is recommending approval based on review of these  
17 projects pursuant to Board-approved program requirements.

18 The total estimated Board cost for these  
19 projects is \$879,436. The following is a description of  
20 the four projects.

21 The first project is the Los Angeles River 8th  
22 and 6th Street storm drain outfall illegal disposal  
23 sites. Urban runoff pollution has been identified as a  
24 major cross-media environmental problem in the Los  
25 Angeles region. Trash and other solid and related liquid

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1 wastes that accumulate in storm drain outfall sites are a  
2 significant component of this problem. The accumulated  
3 waste is spread downstream to beaches, wetlands and urban  
4 stream areas. Pollutants that accompany these wastes  
5 include bacteria, viruses, oil and grease, nutrients,  
6 metals and toxic chemicals.

7           The City of Los Angeles has attached the program  
8 of public education, illegal dumping surveillance and  
9 enforcement, street sweeping, public trash receptacles,  
10 portable toilets, illicit connection prevention and  
11 street catch basin maintenance. However, these measures  
12 alone are inadequate to abate the illegal solid waste  
13 disposal at the two storm drain sites mentioned.

14           These sites are located in downtown Los Angeles  
15 and accumulate urban runoff discharge from a drainage  
16 area of approximately 1,000 acres. Key sources of the  
17 solid waste include food processing, commercial and  
18 transportation businesses, and approximately 3,000  
19 homeless persons who are concentrated in this area.

20           The 8th Street and 6th Street sites are unique  
21 with regard to urban runoff in that they are discreet  
22 sites of solid waste accumulation and therefore would  
23 potentially meet the applicability criteria of the AB  
24 2136 program.

25           The City of Los Angeles Storm Water Division has

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1 requested a matching grant from the AB 2136 program to  
2 abate these sites. The proposed project would install  
3 two structural systems to consolidate and remove the  
4 solid waste that accumulates including diversion to the  
5 sanitary sewer of accompanying low flow liquid or  
6 leachate and semi-solid waste. The Los Angeles Storm  
7 Water Division has committed to ongoing operation and  
8 maintenance to remove and properly dispose of the solid  
9 waste consolidated by these systems and all engineering  
10 design, permitting, contract procurement and construction  
11 oversight.

12           The total cost of the project is estimated at  
13 \$1,434,555 with the Board's cost not to exceed \$584,136.

14           Wastes that accumulates at these sites cannot be  
15 tied to any individual party responsible for the illegal  
16 disposal activity under the Public Resources Code. The  
17 sites are located on public property and will continue to  
18 be maintained for the public benefit.

19           Therefore, staff's recommendation of approval  
20 includes waiver of cost recovery in accordance with  
21 Board-approved policy and regulations based on the  
22 following factors: One, the sites are publicly owned and  
23 maintained in public benefit and use; two, the public  
24 property owner did not cause disposal of the waste; and  
25 three, no responsible party for the illegal disposal can

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1 be identified.

2           The second project is the McIlvaine illegal  
3 disposal site in Sonoma County. This site consists of an  
4 estimated 2,000 cubic yards dumped within a tributary  
5 drainage of Porter Creek in an environmentally sensitive  
6 area in Sonoma County. The Sonoma County Solid Waste  
7 Local Enforcement Agency has requested an illegal  
8 disposal site abatement grant to segregate, load and haul  
9 the waste for proper disposal and recycling and the  
10 subsequent restoration of the creek bed.

11           The Board cost of this project is not to exceed  
12 \$111,300. The Sonoma County Local Enforcement Agency  
13 obtained a court order, a stipulated judgment against the  
14 property owner for cleanup of the site. The property  
15 owner is a widow who is unable to perform the cleanup.  
16 Cost recovery will be pursued for this project by Sonoma  
17 County on behalf of the Board through the filing of a  
18 lien against the property owner to recover Board costs.

19           The third project is the Yano illegal disposal  
20 site in Los Angeles County. This site is located in the  
21 eastern portion of the Antelope Valley approximately one  
22 mile south of State Highway 138 at 190th Street East.

23           An estimated 1,000 cubic yards of solid waste  
24 has been dumped clandestinely on several parcels adjacent  
25 to the California Aqueduct. The majority of waste is on

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1 property owned by the California Department of Water  
2 Resources, with the remaining waste scattered over seven  
3 private parcels. No individual haulers responsible for  
4 the dumping can be identified.

5           The County of Los Angeles Solid Waste Local  
6 Enforcement Agency has requested a Board-managed  
7 remediation project for this site. The project would  
8 include segregation, loading and hauling of the waste to  
9 a proper disposal and/or recycling facility by the  
10 Board's contractor. The Department of Water Resources  
11 will install permanent fencing on its property as part of  
12 the project.

13           The estimated Board cost is \$154,000. The Los  
14 Angeles County Local Enforcement Agency has issued  
15 enforcement orders to DWR, Department of Water Resources,  
16 and to owners of the affected private parcels. The  
17 property owners have been unable or unwilling to perform  
18 a timely cleanup. Cost recovery will be pursued for this  
19 project against the property owners. The Department of  
20 Water Resources will reimburse the Board for cleanup of  
21 waste on its property through an interagency agreement  
22 signed prior to implementation of the project.

23           The County is committed to pursuing liens on  
24 behalf of the Board on private properties that are  
25 cleaned up using Board funds. As a result of the LEA

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1 enforcement action and the threat of cleanup by the  
2 Board, at least three of the seven private property  
3 owners are anticipated to have cleaned up their  
4 properties prior to the start of the project.

5           The AB 2136 program has abated two other large  
6 legacy illegal disposal sites in the Antelope Valley and  
7 these sites have remained clean. Additional in-kind  
8 services were provided for these projects by the LEA and  
9 other local agencies and community groups, and a similar  
10 commitment will be implemented for this project.

11           The fourth and final project to consider today  
12 is the Snake Road illegal disposal site in Butte County.  
13 The site is located along an approximately two-mile  
14 stretch of the Oroville Banger Highway southeast of  
15 Oroville in Butte County. An estimated 265 cubic yards  
16 of solid waste has been dumped on the county  
17 right-of-way.

18           The Butte County Solid Waste Local Enforcement  
19 Agency has requested a Board-managed remediation project  
20 for the site. The project is estimated to cost the Board  
21 \$30,000 and would involve segregation, load and haul of  
22 waste for proper disposal and/or recycling.

23           The LEA, Local Enforcement Agency, has  
24 previously worked with the County's hazardous materials  
25 unit to remove methamphetamine drug lab waste from this

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1 site. Additional in-kind services are being committed to  
2 by Butte County to assist in this project.

3 No individual party or hauler can be identified  
4 as a responsible party for the illegal disposal activity.  
5 The site is located on public property and will continue  
6 to be maintained for the public benefit. In addition,  
7 although Butte County has limited financial resources,  
8 they will provide significant in-kind services to this  
9 project.

10 Therefore, staff's recommendation of approval  
11 includes waiver of cost recovery for this project in  
12 accordance with Board-approved policy based on the  
13 following factors: One, the site is publicly owned and  
14 maintained in public benefit and use; two, the public  
15 property owner did not cause disposal of the waste; and  
16 three, no responsible party for the illegal disposal can  
17 be identified.

18 In conclusion, pursuant to the AB 2136 program,  
19 staff recommend adoption of Resolution 2000-459,  
20 approving the Los Angeles River project matching grant,  
21 the McIlvaine project Local Enforcement Agency grant, the  
22 Yano illegal disposal site Board-managed project, and the  
23 Snake Road Board-managed project.

24 That concludes staff presentation and staff are  
25 available to answer questions.

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1 CHAIR MOULTON-PATTERSON: Thank you, Mr. Walker.

2 Questions, comments?

3 Mr. Jones.

4 BOARD MEMBER JONES: The matching grants were  
5 \$584,136 on the L.A. River. So that's a not to exceed?

6 MR. WALKER: Not to exceed that, correct.

7 BOARD MEMBER JONES: \$111,130 on the other  
8 matching grant.

9 MR. WALKER: Correct. That's not to exceed.

10 BOARD MEMBER JONES: And then the two  
11 Board-managed not to exceed \$154,000 and not to exceed  
12 \$30,000?

13 MR. WALKER: Those are considered estimated  
14 costs.

15 BOARD MEMBER JONES: All right. No problem.

16 BOARD MEMBER ROBERTI: Madam Chair.

17 CHAIR MOULTON-PATTERSON: Senator Roberti.

18 BOARD MEMBER ROBERTI: Just briefly, last  
19 Friday, I think a week after you visited the L.A. River  
20 illegal disposal site, I did. I just want to mention  
21 this is just an excellent project, up-to-date engineering  
22 will be put into effect to clean up an awful lot of trash  
23 that collects at skid row and at the L.A. produce market  
24 prevented from going out to the Pacific Ocean near, I  
25 guess in the vicinity of the Queen Mary right now, pretty

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1 much pollutes everything. It's just an excellent site  
2 and I was impressed and it deserves our high vote.

3 CHAIR MOULTON-PATTERSON: Thank you. And I  
4 would certainly concur with Senator Roberti. I think  
5 this is an excellent use of the funds and we're doing  
6 something for the whole coast when we do this.

7 Mr. Walker, I understand from the City of Los  
8 Angeles that you just were tremendous to work with and  
9 your whole staff did a terrific job in this. So thank  
10 you.

11 BOARD MEMBER ROBERTI: Madam Chair.

12 CHAIR MOULTON-PATTERSON: Senator Roberti.

13 BOARD MEMBER ROBERTI: I would like to move for  
14 adoption of Resolution 2000-459.

15 CHAIR MOULTON-PATTERSON: Moved by Senator  
16 Roberti.

17 BOARD MEMBER PAPARIAN: Second.

18 BOARD MEMBER JONES: Second.

19 CHAIR MOULTON-PATTERSON: Seconded by Mr. Jones,  
20 Resolution 2000-459.

21 Please call the roll.

22 BOARD SECRETARY: Jones.

23 BOARD MEMBER JONES: Aye.

24 BOARD SECRETARY: Medina.

25 BOARD MEMBER MEDINA: Aye.

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1 BOARD SECRETARY: Paparian.

2 BOARD MEMBER PAPARIAN: Aye.

3 BOARD SECRETARY: Roberti.

4 BOARD MEMBER ROBERTI: Aye.

5 BOARD SECRETARY: Moulton-Patterson.

6 CHAIR MOULTON-PATTERSON: Aye.

7 Thank you. Number 14, consideration of a  
8 revised Solid Waste Facility Permit for Otay Landfill,  
9 San Diego County.

10 MR. WALKER: Madam Chair, Members of the Board,  
11 Tad Gebrehawariat will present this item.

12 CHAIR MOULTON-PATTERSON: Thank you.

13 MR. GEBREHAWARIAT: Good morning. Otay Landfill  
14 is owned and operated by the Otay Landfill Incorporated  
15 and Allied Waste Industries Company.

16 The proposed revised permit is to allow the  
17 following: Combine the operations of the Otay and Otay  
18 Annex Landfills into one under one major use permit and  
19 one Solid Waste Facility Permit; to increase the maximum  
20 height of the combined landfill from 460 to 725 feet  
21 above mean sea level; increase the permitted landfill  
22 waste capacity from 18.7 million tons to an overall  
23 landfill design capacity of 37.4 million tons; expand the  
24 hours of the landfill operation from 7:00 a.m. to 4:00  
25 p.m. Monday through Friday and 7:30 a.m. to 4:00 p.m.

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1 Saturdays and Sundays, to 6:00 a.m. to 5:00 p.m. Monday  
2 through Sunday and also allow the staging of trucks and  
3 transfer trailers from 4:30 to 5:00 p.m. Monday through  
4 Friday.

5           The proposed permit is also to allow the  
6 increase of the maximum daily rate of waste received from  
7 the combined total of 1,500 in the 1979 permits to 5,000  
8 tons per day; increase the estimated landfill site life  
9 by 28 years, estimated closure is about 2027; allow the  
10 construction of various environmental control measures  
11 such as drainage control facilities, a household  
12 hazardous waste drop-off area and a recycling buy-back  
13 center.

14           The project would also allow to make  
15 improvements in the design and operation of the landfill  
16 including improvements to the entrance facility, scales,  
17 operation of a transfer staging area, public unload area  
18 for safety and the continued operation of the landfill  
19 gas-to-energy plant and a green and wood waste recycling  
20 activity.

21           As is presented on the table on page 14-6 of the  
22 agenda item, Board staff have determined that the  
23 requirements for the proposed permit have been met.  
24 Among other things, the scope of the proposed permit is  
25 consistent with and is supported by the Environmental

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1 Impact Report or EIR that was prepared and certified for  
2 the project.

3           The proposed design and operation of the  
4 facility as described in the submitted Joint Technical  
5 Document would allow for a landfill operation in  
6 compliance with the state minimum standards. However,  
7 the operation of the Otay Landfill is in violation of the  
8 Public Resources Code Section 44004, significant change,  
9 and 44014(b), operator compliance with the terms and  
10 conditions of the permit. These violations will be  
11 corrected upon Board concurrence with the proposed permit  
12 and subsequent issuance by the LEA.

13           Therefore, staff recommend that the Board adopt  
14 Solid Waste Facility Permit Decision Number 2000-461,  
15 concurring with the issuance of Solid Waste Facility  
16 Permit Number 37-AA-0010. Ms. Pamela Rabtis and  
17 Mr. Richard Gelp of the County LEA are here, as is  
18 Mr. Neil Moore of the operator to answer any questions  
19 that the Board Members may have. Also I understand that  
20 the LEA would like to come and make a brief presentation  
21 to the Board.

22           CHAIR MOULTON-PATTERSON: Thank you very much.  
23 And we have speaker slips from Michael -- I'm sorry. I  
24 can't read your last name.

25           MR. GILL: That would be Michael (inaudible),

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1 but I'm Richard Gill with the County LEA.

2 CHAIR MOULTON-PATTERSON: Did you wish to speak?

3 MR. GILL: If I could take a moment of your  
4 time. Good morning, Madam Chair and Members of the  
5 Board. San Diego County LEA is pleased to bring this  
6 forward to you today. The LEA has spent a considerable  
7 amount of time and energy to get where we are and we hope  
8 that the Board will recognize the LEA's efforts as well  
9 as the efforts of Allied Waste.

10 The fact that the facility permit has not been  
11 updated since 1979 and the fact that the facility has  
12 been operated under an enforcement order since 1991  
13 actually reflect the complex history of the site. And to  
14 be very succinct, the older portion of the landfill  
15 opened in the 1960s and was authorized by the San Diego  
16 Regional Water Quality Control Board to accept a wide  
17 variety of waste and operated under a land use permit  
18 issued by the City of Chula Vista.

19 When an adjacent 250-acre parcel referred to as  
20 the Otay Annex began operation in 1979, it was authorized  
21 to accept a more limited wastestream and operated under a  
22 land use permit issued by the County of San Diego. For  
23 these reasons, the facility was issued two separate solid  
24 waste facility permits in 1979 even though the site has  
25 been managed as a single operation with a single entrance

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1 facility since then.

2 In 1991 when the LEA issued its first  
3 enforcement orders to update the permit, the operator  
4 began a process that led to a determination by the City  
5 of Chula Vista and the County of San Diego to initiate a  
6 land swap that would bring this facility under the land  
7 use authority of a single jurisdiction.

8 It was not until 1979 that the County Local  
9 Enforcement -- I'm sorry, the County Local Agency of  
10 Formation Commission approved the reorganization of the  
11 City of Chula Vista which resulted in placing both the  
12 Otay Landfill and Otay Annex within the jurisdictional  
13 boundaries of the County of San Diego. And it was not  
14 until February of this year that the San Diego County  
15 Planning Commission certified an Environmental Impact  
16 Report and authorized a new single major use facility for  
17 a combined 464-acre facility. This allowed Allied Waste  
18 to submit a complete and correct application package to  
19 the LEA which resulted in the permit before you today.

20 The LEA would like to point out that the  
21 facility has always been operated in a manner that's  
22 protective of public health, safety and the environment.  
23 And in recognition of the efforts of Allied, we would not  
24 hesitate to say that the Otay Landfill is one of the best  
25 operations in the state of California.

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1           Thank you for your time and I'll be happy to  
2 assist with any questions you might have.

3           CHAIR MOULTON-PATTERSON: Thank you very much.  
4           Michael Meecham, City of Chula Vista, and we  
5 also have Neil Moore from the landfill who will respond  
6 to questions.

7           MR. MEECHAM: Madam Chair and Members of the  
8 Board, I really just want to echo the comments that were  
9 made by the LEA at the end about this being one of the  
10 best operated landfills in California.

11           Not too many communities or residents and  
12 business communities would choose to be located near a  
13 landfill, but over the last three years we've come to  
14 appreciate our partners with Allied Waste and the efforts  
15 they've made to be a good partner, and I wanted to list  
16 or talk about a few of the things they've done.

17           Previously we had some significant problems with  
18 illegal disposal in the city, and one of the things this  
19 permit will be address will be some increased hours.  
20 It's my feeling and my observation of being at the  
21 landfill quite a bit that it's not the professional  
22 hauling groups that cause some of the illegal disposal  
23 but the small operators who work late into the day and  
24 get there at 4:00 and the landfill closes, and their  
25 typical work day goes later than that and it's difficult

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1 for them economically to take that stuff back and start  
2 all over the next morning.

3           We've really gone a long way toward eliminating  
4 that program of not being convenient for businesses.  
5 Allied has not only increased street sweeping and bulky  
6 pickup, but actually funds some programs for the City.  
7 They -- the recycling center that was mentioned that will  
8 open actually currently provides an opportunity for every  
9 resident in our city who is willing to separate their  
10 construction demolition waste and their metals and paper  
11 materials to drop off the first and third Saturday of  
12 every month at the landfill at no charge if they're a  
13 regular paying customer with the city.

14           Those kinds of things help abate a lot of the  
15 illegal disposal in the area. We also are the only city  
16 in San Diego County that as a part of their agreement  
17 with the hauling subcontractor has free bulky pickup not  
18 only from our single-family homes but also every  
19 apartment, condo and mobile home park in the city, which  
20 we also separate to recycle.

21           The extended hours of sweeping the bulky items  
22 will make a big difference on the road that leads to the  
23 landfill, and I don't know if the LEA Described it  
24 exactly, but the landfill is actually an island  
25 jurisdiction within the city of Chula Vista and the only

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1 businesses and residents around the landfill are in fact  
2 Chula Vista residents and businesses.

3           The landfill also is needed by us and the rest  
4 of the region to meet our 15-year capacity, but  
5 environmentally and aesthetically, I wanted to also  
6 mention that as a part of our agreement with Allied  
7 Waste, they have set aside roughly 80 acres of open space  
8 that had been part of the original take in the 1960s that  
9 could have been developed as landfill. That 80 acres to  
10 the west is the area closest to existing residential and  
11 commercial properties and will be set aside permanently,  
12 about 35 acres for parkland for a major sports park and  
13 the rest for habitat. That's already been done, but as a  
14 part of this agreement they will also contribute up to \$4  
15 million to develop the park.

16           As I said, they will expand the recycling area  
17 to provide a safer place for our residents and businesses  
18 to be separated from the landfill disposal site at the  
19 bottom of the pit. So people will have a safer place and  
20 small vehicles will be separated and be able to recycle  
21 and dispose at the top near the gate.

22           Some other significant but smaller things in the  
23 agreement are they made a commitment to buying green  
24 electricity at their site and their other sites in the  
25 City of Chula Vista at our request. They're doing some

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1 experimental work with converting to alternative fuel  
2 vehicles at the landfill, and probably one of the most,  
3 if not the most important to the City, was they  
4 negotiated with us as neighbors, not out of any real  
5 legal requirement but as good neighbors, to manage the  
6 final height and contour. And I believe they've  
7 submitted a map, and I have one that I can that shows  
8 what that final outcome is. It was one that was very  
9 pleasing to the City and we think will help with the  
10 landfill, when it's completed, fit into the natural land  
11 forms around the community and not stick out as it might  
12 have under the original or the most cost-effective plan  
13 for them. I would estimate at today's tipping fee I  
14 think that that's going to be a loss of roughly \$2  
15 million at today's cost to them.

16           So in addition to that, the City has final  
17 approval on a landscape plan and they've been very  
18 cooperative in helping us work that out so that we can  
19 make sure that the landfill upon closure will fit  
20 aesthetically as reasonably as possible within the  
21 community.

22           Thank you.

23           CHAIR MOULTON-PATTERSON: Thank you,  
24 Mr. Meecham. As I mentioned, on my site visit there I'm  
25 really impressed with the work that's been done with

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1 multi-units, apartments and the mobile home parks. So if  
2 you could give us any information on that, the Board  
3 would be very interested in it.

4 MR. MEECHAM: I will get that.

5 CHAIR MOULTON-PATTERSON: Thank you.

6 As I said we have Neil Moore for questions if we  
7 have any.

8 Mr. Paparian.

9 BOARD MEMBER PAPARIAN: Question for staff. The  
10 tonnage at the facility is increased from 1,500 tons per  
11 the 1979 permit up to -- I think it's 3,800 and some-odd  
12 tons today, is the reason that the Board never saw that  
13 increase in tonnage come before the Board itself because  
14 of a PEP policy? Is that -- am I understanding that  
15 right?

16 MR. DE BIE: In part. As you heard the LEA  
17 describe a thumbnail sketch of the chronology, the  
18 initial start of the landfill and the permitting of the  
19 landfill and the use permit issues contributed to a delay  
20 in permits being updated, but the mechanism used to allow  
21 the increase in tonnage other than the permit was  
22 utilizing the Permit Enforcement Policy. So yes, they  
23 used the Permit Enforcement Policy to let the tonnage go  
24 up without a permit action.

25 BOARD MEMBER PAPARIAN: Thanks.

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1 BOARD MEMBER JONES: Madam Chair.

2 CHAIR MOULTON-PATTERSON: Thank you,  
3 Mr. Paparian.

4 Mr. Jones.

5 BOARD MEMBER JONES: Just a quick question. As  
6 I understood what the LEA, Richard, had said was they  
7 started the process in 1991 and it took until 1999 for  
8 the local government to finish with the annexation of  
9 that island. Is that accurate?

10 MR. GILL: That annexation actually occurred in  
11 1997. It took until 1999 for the County to issue a land  
12 use permit.

13 MS. TOBIAS: Excuse me. You need to talk into  
14 the microphone in order for it to be on the record.

15 CHAIR MOULTON-PATTERSON: Thank you.

16 MR. GILL: Richard Gill with the County LEA.  
17 The annexation occurred in 1997 that was approved by the  
18 Local Agency Formation Commission, LAFCO, and in February  
19 of this year the County of San Diego issued a land use  
20 permit for a single combined facility of 464 acres.

21 CHAIR MOULTON-PATTERSON: Thank you. Questions?  
22 Any other questions or comments? Okay.

23 Mr. Medina.

24 BOARD MEMBER MEDINA: Just a brief comment. I  
25 had an opportunity to visit the Otay Landfill and I was

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1 very impressed with how well it was run and also how  
2 clean it was. And given its close proximity to Tiajuana,  
3 it's a good example for them, good model for them to  
4 visit and keep in mind as they site their unit.

5 BOARD MEMBER JONES: Madam Chair.

6 CHAIR MOULTON-PATTERSON: Mr. Jones.

7 BOARD MEMBER JONES: I would like to move  
8 adoption of Resolution 2000-461, consideration of a  
9 revised Solid Waste Facility Permit for the Otay Landfill  
10 in San Diego County.

11 BOARD MEMBER MEDINA: I would like to second  
12 that.

13 BOARD MEMBER ROBERTI: Madam Chair.

14 CHAIR MOULTON-PATTERSON: Senator Roberti.

15 BOARD MEMBER ROBERTI: I would like to ask a  
16 question.

17 I understand that bentonite is acceptable in the  
18 federal standards as a -- alternative to a liner. Am I  
19 right on that?

20 MR. WALKER: I think what you're referring to is  
21 the natural -- the natural geologic materials at this  
22 particular site and the Regional Board has the authority  
23 to approve alternative lining systems. And as part of  
24 that approval, they have taken into consideration the  
25 natural bentonite materials that underlies this site that

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1 provides additional protection to water quality. That's  
2 underneath the geomembrane, flexible membrane liner.

3 BOARD MEMBER ROBERTI: Has the Water Board made  
4 a determination as to leachate, the possibility of  
5 leachate under these conditions?

6 MR. WALKER: Maybe the LEA would like to get in  
7 on this one, but I think from our contacts with the Water  
8 Board, it's our understanding that they have approved  
9 this design and it's currently in compliance with their  
10 requirements and that they are accepting or they approved  
11 their method of leachate management and control.

12 BOARD MEMBER ROBERTI: Now, my question is is  
13 the hole -- is that right? On the Water Board?

14 MS. LARAPTIS: Yes. They have approved and the  
15 section of canyon three that has been lined as far as  
16 phase 1-A and 1-B was approved by the Water Board, as  
17 well as the final quality control.

18 BOARD MEMBER ROBERTI: Now, undergirding this  
19 entire landfill is the natural bentonite. I take it the  
20 entire landfill is?

21 MS. LARAPTIS: I'll go ahead and state my name  
22 for the record. I'm Pam Laraptis with County of San  
23 Diego's LEA.

24 Yes, the entire area is a former bentonite clay  
25 mining operation from the '40s. So basically the whole

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1 geological area has a natural liner, certainly not enough  
2 to go without lining in the current conditions.

3 BOARD MEMBER ROBERTI: I take it when the LEA  
4 made a determination they made the determination that  
5 there's no cracking because of the excess amount of  
6 vertical landfill? Was that a specific determination  
7 that you made?

8 MR. WALKER: Scott Walker again. The primary  
9 liner design standards with regard to slope stability and  
10 geotechnical stability is within the Water Board portion  
11 of the regulations and they have approved this liner  
12 design. They have approved the as-built construction  
13 plans, and as part of that there was an extensive  
14 geotechnical analysis in order for them to base their  
15 approval on that it met their standards.

16 BOARD MEMBER ROBERTI: Okay. One other  
17 question. I see in the -- our own briefing that the  
18 landfill was expanded at one point about three years ago  
19 pursuant to stipulated agreement. How did that come  
20 about or how can that come about?

21 MR. GILL: I believe that again would be in  
22 reference to the PEP policy that the LEA has taken --  
23 interpreted 18304 Title 14 to allow them to authorize  
24 such an action when a facility proposes to operate  
25 outside their permit.

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1           BOARD MEMBER ROBERTI: Is that pursuant to one  
2 of our policies that we allow this?

3           MR. GILL: I might just add the LEA is inquired  
4 to submit a draft copy of enforcement orders to the Waste  
5 Board, to the Air Board and to the Regional Board 15 days  
6 before those are implemented.

7           BOARD MEMBER ROBERTI: And we allow an expansion  
8 pursuant to a stipulated agreement on something that  
9 doesn't necessarily come before us; am I right?

10          MR. DE BIE: The current policy as implemented  
11 by the LEAs is such that if an LEA discovers a facility  
12 to be out of compliance with the terms and conditions of  
13 their permit, they issue an enforcement order to require  
14 them to come into compliance. And usually the compliance  
15 schedule and the requirements in that order require the  
16 operator to come apply for a permit revision to  
17 incorporate the changes that the LEA has discovered.

18          At times those have included some expansion,  
19 both in hours and tonnage. The situations where it has  
20 included expansion beyond permitted boundary is rare, but  
21 I believe it has occurred in the past.

22          BOARD MEMBER ROBERTI: But that's what happened  
23 here.

24          MR. GILL: No, the boundary was not expanded,  
25 just the daily tonnage limits.

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1           BOARD MEMBER ROBERTI: Just the capacity. Well,  
2 my concerns, Madam Chair, are number one, although I  
3 recognize that this is a federal -- there is a federal  
4 standard, we're still engaging in an unlined landfill,  
5 compounded by the problem that this is another one of our  
6 policies that has been established where much of the  
7 ground work has been done pursuant to a policy that never  
8 comes before this Waste Board as far as a specific item,  
9 and that is a landfill that was out of compliance by  
10 stipulated agreement between the operators and the LEA  
11 can engage in the increased tonnage, that that occurred  
12 about three years ago, and then based on that stipulated  
13 agreement, which we've never seen, we are now coming up  
14 with an unlined landfill proposal.

15           It all may be well and good, but the process  
16 concerns me very much and I think as the process that has  
17 led this Board to never defeat a permit because built in  
18 our past mechanisms are all these processes which just  
19 put us on auto pilot. So I wish I had known that this  
20 was a policy, but frankly I was on the Board for a long  
21 time before I knew we had all these established policies  
22 that somehow find staff when they are making  
23 recommendations to us that we don't know about.

24           So for myself, I plan to abstain on this. It is  
25 specifically that I don't want to be bound by a policy in

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1 which logarithmically we're intensifying a problem.  
2 Problem number one, to make it absolutely clear, is that  
3 the original expansion is based on a stipulated agreement  
4 this Board never saw pursuant to a policy that this Board  
5 really never established except in the dark antiquities,  
6 and now we're asked to vote on that and approve a  
7 landfill expansion which happens to be unlined. So with  
8 that, I am going to abstain.

9 CHAIR MOULTON-PATTERSON: Senator Roberti, I  
10 certainly understand your concerns. When will we be  
11 reconsidering this PEP, Permit Enforcement Policy?

12 MR. DE BIE: We have staff actively meeting with  
13 stakeholder groups and focus groups. I believe a bulk of  
14 those focus group meetings have occurred and staff is  
15 currently summarizing the information from that with the  
16 aim of getting the whole group together in the very near  
17 future. And then depending on the outcome of that  
18 meeting or two, we would be prepared to bring back a  
19 report to the Board. We're aiming for a January-February  
20 time frame. It's just a scheduling, getting all the  
21 people in the room at one time that is taking the time to  
22 address it.

23 CHAIR MOULTON-PATTERSON: Thank you. I will be  
24 voting yes, but I am very anxious to discuss this policy.

25 Mr. Paparian.

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1           BOARD MEMBER PAPARIAN: I wanted to just ask a  
2 couple of clarifying questions. As I understand it,  
3 roughly half of the landfill is going to be lined and  
4 roughly half is going to be unlined.

5           MS. LARAPTIS: Correct.

6           BOARD MEMBER PAPARIAN: What I heard you say  
7 was that the Water Board had okayed the lining system for  
8 the landfill. Has the Water Board looked at the  
9 expansion of the unlined portion of the landfill?

10          MR. GILL: They were one of the responsible  
11 parties under CEQA for the environmental document that  
12 was released. So other than that process, there's been  
13 no action on their part, but they do have waste discharge  
14 requirements for both portions of the landfill.

15          BOARD MEMBER PAPARIAN: So they received notice  
16 of the expansion of the unlined but didn't actually have  
17 to rule in any way on that. Okay. And then if -- the  
18 question of the bentonite that's underlying the landfill,  
19 whether that serves as an alternative under Subtitle D to  
20 a standard liner, I -- I am confused by that.

21          MR. WALKER: Let me correct. I wanted to point  
22 out that it is not in and of itself an acceptable  
23 alternative liner. That is to say that in order to meet  
24 the Subtitle D standard for liner design standards,  
25 according to the Water Board, they have to have a

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1 geomembrane part of that too. So there's a plastic that  
2 overlies the clay. The prescriptive standard Subtitle D  
3 liner is two feet of compacted clay with a permeability  
4 less than or equal to 10 to the minus -- a very low  
5 permeability.

6           It turns out that these natural materials  
7 essentially act equivalent that clay portion of the  
8 Subtitle D liner, but that does not -- does not address  
9 the need for a geomembrane portion which as part of this  
10 liner the approved liner is part of the design.

11           BOARD MEMBER PAPARIAN: Thank you.

12           CHAIR MOULTON-PATTERSON: We have a motion --  
13 Mr. Medina, did you have additional?

14           BOARD MEMBER MEDINA: No, I don't.

15           CHAIR MOULTON-PATTERSON: I heard a click over  
16 there somewhere.

17           We have a motion by Mr. Jones, seconded by  
18 Mr. Medina to approve Resolution 2000-461.

19           Please call the roll.

20           BOARD SECRETARY: Jones.

21           BOARD MEMBER JONES: Aye.

22           BOARD SECRETARY: Medina.

23           BOARD MEMBER MEDINA: Aye.

24           BOARD SECRETARY: Paparian.

25           BOARD MEMBER PAPARIAN: Abstain.

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1 BOARD SECRETARY: Roberti.

2 BOARD MEMBER ROBERTI: Abstain.

3 BOARD SECRETARY: Moulton-Patterson.

4 CHAIR MOULTON-PATTERSON: Aye.

5 Okay.

6 Ms. Tobias, the motion does not pass.

7 MS. TOBIAS: That motion does not pass. So if  
8 the Board does not act, then the permit would be approved  
9 in 30 days.

10 BOARD MEMBER ROBERTI: 30 days from today?

11 MS. TOBIAS: Issued by the LEA in 30 days.

12 CHAIR MOULTON-PATTERSON: Thank you for  
13 clarifying that. Thank you very much. Okay.

14 It's my intention to try and get through 15 and  
15 16 and then break for lunch. Number 15.

16 MR. WALKER: Item 15 is consideration of  
17 suspension, revocation or modification of the Board's  
18 long-term violation policy.

19 Madam Chair, Members of the Board, this item was  
20 specifically requested for the November board meeting by  
21 Board Member Roberti to consider suspension, revocation  
22 or modification of the long-term violation policy that  
23 has been applied to landfill gas violations solely.

24 Copies of the written item providing a summary  
25 and background on implementation of the policy were

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1 handed out at the Board briefing and additional copies  
2 are available at the back table.

3 With that, staff are available to answer any  
4 questions in implementing any further direction from the  
5 Board on this policy.

6 MR. DE BIE: Mark DeBie. I have one  
7 modification to the attachment in this item that  
8 Mr. Walker wasn't aware of. The item that -- or the  
9 attachment that includes the table of facilities that  
10 have used the long-term state minimum standard policy  
11 came to our attention by Mr. Cupps that we missed one.

12 The Santa Maria Landfill did actually utilize  
13 this policy back in May of '97 to get their permit  
14 revised. They had an outstanding violation of landfill  
15 gas. We'll be revising this attachment and submitting it  
16 for the record.

17 CHAIR MOULTON-PATTERSON: Okay. Thank you.

18 We have speakers and then we'll open it up to  
19 the Board, or unless the Board had questions before the  
20 speakers, let me know please.

21 Hearing none, Evan Edgar.

22 MR. EDGAR: Good afternoon, Chair and Board  
23 Members. My name is Evan Edgar from Edgar and Associates  
24 on behalf of the California Refuse Removal Council.

25 We have 120 collectors, 50 MRF operators, 50

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1 transfer stations and 20 permitted compost facilities.  
2 We also have 10 landfills. We're not quite the zero  
3 waste organization. The landfills are very important to  
4 us still.

5           The agenda item is somewhat confusing. If you  
6 read the agenda item, it talks about landfill gas only.  
7 It singles out one issue, landfill gas. If you look at  
8 the staff report -- and the staff report is more global.  
9 It talks about all types of long-term violations. So on  
10 one hand we're talking about landfill gas but it has more  
11 global implications about where it could go.

12           This is really a public sector issue with  
13 regards to the utilization of this policy in the past.  
14 One time in six years, I've used it down in Fairview  
15 Landfill. It's important. We want to keep it and the  
16 folks on landfill gas it has worked in the past. Fairby  
17 is now a permitted landfill with a landfill gas system in  
18 place. So it's very important, but because of the  
19 policies listed as all state minimum standards not just  
20 landfill gas, and all Solid Waste Facility Permits this  
21 is not about landfills and landfill gas anymore. It  
22 could be reached beyond other multimedia issues.

23           In today's AB 1220, they're very focused on what  
24 state minimum standards are, but in the move towards  
25 multimedia in regards to fish and game issues or

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1 groundwater protection issues, this policy could have  
2 other long-term violations being brought in beyond  
3 long-term landfill gas that would have very important  
4 implications.

5           What I recommend today on behalf of CRRC and the  
6 ten active landfills that I represent is take no action  
7 on landfill gas items. However, if it's the wish of the  
8 Board to extend this issue beyond landfill gas and  
9 landfills, we would want to have further discussion and  
10 action because it's far global and far reaching beyond  
11 what is listed in the agenda item.

12           Thank you for the opportunity to testify on this  
13 matter.

14           CHAIR MOULTON-PATTERSON: Thank you. Did staff  
15 have any reaction?

16           MR. DE BIE: It's true that in BODS the item was  
17 titled -- indicated just long-term gas violation policy,  
18 but the item itself indicates that it's the entire policy  
19 and the gas aspect is a typo. We apologize for that.  
20 It's the intent that we look at the whole policy. And if  
21 you look at the attachment that contains the agenda item  
22 of the original policy, it did cite several examples of  
23 state minimum standards other than gas that could be an  
24 aspect of the policy.

25           CHAIR MOULTON-PATTERSON: Thank you.

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1               Larry Sweetser.

2               MR. SWEETSER: Good day, Madam Chair, Members of  
3 the Board. My name is Larry Sweetser, Sweetser and  
4 Associates, on behalf of the Environmental Services Joint  
5 Powers Authority. We're a 21-member county owner and  
6 operator association and such, the ESJPA does support the  
7 long-term violation policy including for landfill gas  
8 violations.

9               It's been a very effective tool and has been  
10 protective of health and safety because even as an  
11 operator, it's always hard to accept the fact that  
12 receiving a violation is for your own good, but at this  
13 time it allows you the time to implement proper controls,  
14 either for gas or other violations. And it's not just  
15 gas. It also works especially well for groundwater  
16 violations, areas where it takes time, at least more than  
17 90 days in order to correct or control the problem.

18              And the policy does have controls in it,  
19 particularly related to the operator has to demonstrate  
20 good faith efforts to comply with that standard and also  
21 that there's a written enforcement order with a time  
22 line, both I think what the Board was looking for in some  
23 of the other meetings. And there's also allowance for if  
24 there's an immediate threat to take immediate action. So  
25 that is protective measure in there for health and safety

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1 aspects.

2           Particularly regarding landfill gas, the nature  
3 of landfill gas is not easily fixable and neither is  
4 groundwater issues. And I know, as Mr. Evan Edgar  
5 pointed out, the multimedia and the multi-agency approach  
6 to this does complicate it quite a bit. There is room in  
7 there to try and figure out what the standards are and  
8 some of the issues.

9           There's many factors you need to consider when  
10 you're looking at any long-term, especially gas issues.  
11 Where the measurements are makes a big difference as  
12 pointed out in other permits recently, where you put the  
13 wells, it makes a difference when you're measuring at  
14 ground level or higher up, breathing zones, is it a  
15 safety and health threat. All those needs are looked at  
16 when the operator and the LEA process.

17           Once you do figure out you have an issue to  
18 address, you have to figure out what the volume is, the  
19 extent of it, the types of equipment, whether it's better  
20 to flare it, to vent it, to control it and other means.  
21 It's a long process that does need that time in there.

22           BOARD MEMBER ROBERTI: Madam Chair.

23           CHAIR MOULTON-PATTERSON: Senator Roberti.

24           BOARD MEMBER ROBERTI: As I have been briefed on  
25 this by my staff, what I understand is that this policy

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1 has been used since adoption of 17 times and it has  
2 envisioned that according to the original agenda item  
3 that this policy is only for those instances where the  
4 Board is serving as the Solid Waste Enforcement Agency,  
5 in our terminology the EA. 14 of the times that this  
6 policy has been evoked we weren't the EA.

7           One of the problems is that decisions on whether  
8 there's an environmental threat, which is part of the  
9 policy, part of the operative language to bring in the  
10 policy is not really very standardized if we're relying  
11 on the local jurisdictions to make that determination.  
12 It's one thing if the Board makes that determination  
13 based on hopefully standard policies that our staff gives  
14 and then we make the determination as to whether there is  
15 an environmental problem, threat -- I forget what the  
16 word is here -- no threat to the environment, public  
17 health and safety.

18           That doesn't occur when we pretty much have to  
19 accept what the LEA says. And frankly, it appears that  
20 in the Billy Wright situation and other situations the  
21 original policy which said this should only be invoked  
22 when the Board is the EA doesn't apply.

23           So one thing that could solve our problem is if  
24 we just interpreted our own agenda item, our own policy,  
25 narrowly as we had adopted it in 1994 and hopefully with

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1 maybe some more precise standardizations as to what we  
2 mean by a threat to the environment, public health and  
3 safety, which isn't clearly spelled out to give our own  
4 staff direction when they come to us, that might make the  
5 policy much more meaningful, but right now I think the  
6 problem isn't the policy. The problem is it's applied as  
7 the policy when even the 1994 resolution didn't envision  
8 that because it said only when the Board is serving as  
9 the EA.

10 CHAIR MOULTON-PATTERSON: Thank you for bringing  
11 that up.

12 Mr. Sweetser, had you finished?

13 MR. SWEETSER: Just if I could address that part  
14 of that comment also. I would think that policy, it  
15 works across the board where the Board is LEA or the EA  
16 or not, and also in terms of I think it would be helpful  
17 to have some clarity on how to make those determinations,  
18 both where the Board is EA and not because it is  
19 quantifiable. In many cases it is quantified.

20 BOARD MEMBER ROBERTI: Well see, the problem --  
21 the problem is when the Board acts as the EA, that's --  
22 we can operate under some standardized criteria as to  
23 what's an environmental threat. When the LEA makes that  
24 decision, we in effect accept that, period. We don't  
25 have a clue, frankly because we're accepting a priori

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1 what they decided was or was not an environmental threat.  
2 And frankly, the people who passed the original policy,  
3 whoever our Board Members were at that time were wiser  
4 than I gave them credit for in past discussions because  
5 they made the specifications recognizing the different  
6 information the Board is going to get whether there's an  
7 LEA involved or we're the EA. And somehow along the line  
8 over the years -- and Billy Wright just being a  
9 continuation of this -- we've adopted the policy to cover  
10 all situations, not just where the Board is the  
11 Enforcement Agency.

12           So there is a difference as far as the  
13 information we get. Maybe from the point of view of the  
14 applicant there isn't a difference, but from the point of  
15 view of a decision maker I think there's a very, very  
16 strong difference.

17           MR. SWEETSER: I don't want to get into the  
18 issue between boards and LEAs and who is probably the  
19 most expert on that, but I would say that the facts are  
20 such that (inaudible) one decision, it should be  
21 universal. There is room to look at that part of the  
22 policy if you like to in that process.

23           CHAIR MOULTON-PATTERSON: Thank you.

24           MR. SWEETSER: Thank you.

25           CHAIR MOULTON-PATTERSON: Mr. DeBie.

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1           MR. DE BIE: Just a word or two from staff's  
2 perception on how the policy is being implemented.

3           When the agenda item for the permit is brought  
4 to the Board and there's an outstanding state minimum  
5 standard violation, it is Board staff that's reviewing  
6 the record and determining the findings that are outlined  
7 in the policy. We're not depending on the LEA for those  
8 determinations, it's Board staff. So there's a  
9 carry-over from the original policy where it's Board  
10 staff making that determination.

11           And I just wanted to point out sort of  
12 historical interest is that the policy was set up in --  
13 by the Board in -- let me find it. Was it July?

14           MR. WALKER: July of '94.

15           MR. DE BIE: July of '94 and the first permit  
16 that came up that utilized the policy was Chiquita Canyon  
17 in L.A. soon after that policy. So I would imagine that  
18 the Board that set up the policy was the same Board that  
19 acted on that permit and that was the first time the  
20 policy was utilized.

21           CHAIR MOULTON-PATTERSON: Thank you, Mr. DeBie.

22           BOARD MEMBER JONES: Madam Chair.

23           BOARD MEMBER ROBERTI: Were we -- were we the  
24 the EA or was the LEA?

25           MR. DE BIE: We were not the EA and have not

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1    been the EA for that jurisdiction.  So --

2               BOARD MEMBER ROBERTI:  However, I might say, and  
3    I don't know what the reasons are for this, but Chiquita  
4    Canyon -- was it Chiquita Canyon?

5               MR. DE BIE:  Yes.

6               BOARD MEMBER ROBERTI:  Okay.  Fine.

7               CHAIR MOULTON-PATTERSON:  Mr. Jones.

8               BOARD MEMBER JONES:  Madam Chair, I know we have  
9    more people but I want to -- I'm hoping that irregardless  
10   whether the EA or the LEA, I think that one of the  
11   reasons this policy was brought forward was, as in Billy  
12   Wright Landfill, the lower explosive limit is what is  
13   detected in those monitoring wells.  So that means the  
14   lowest number that qualifies, 5 percent of volume, which  
15   is pretty minimal, created a trigger that said -- that  
16   those operators have to do certain things.

17              And if you look in Title 27 or Title 14, those  
18   things are that number one, that they confirm their  
19   readings; number two, that they notify the LEA within  
20   seven days; and number three, that they start a plan  
21   which normally includes more monitoring to determine if  
22   the gas is migrating, what the problem is and how are you  
23   going to deal with it.

24              So it always kind of amazes me when I hear the  
25   word "long-term violation" because once it has been

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1 identified in statute that it has hit that minimum  
2 threshold and the operator notifies the LEA, notifies the  
3 Board, comes up with a monitoring plan, is it still a  
4 violation? Because they've done the remedy that is asked  
5 for in Title 27 and Title 14. Is the violation when they  
6 ignore it and they decide not to tell anybody? Because  
7 all it's done is it's hit that threshold standard to make  
8 people aware.

9           If there's no gas migration, what are the ways  
10 to deal with it? There's three ways to deal with gas.  
11 Active, you draw it and you either flare it or use it as  
12 an energy source or you can add air into the landfill,  
13 not into the garbage but into that area, to minimize that  
14 concentration, so when you're just adding outside air,  
15 pumping air into it. Or you can vent it, and a vent  
16 means you cut a slurry wall and you open a trench and as  
17 gas migrates, goes up in the air. That's called passive  
18 mitigation. Those are all three approved methods.  
19 Right?

20           MR. WALKER: Correct. Those are part of the  
21 standard methods used to control landfill gas.

22           BOARD MEMBER JONES: Okay. So what we are  
23 talking about here is a hit that people did their job,  
24 they did the testing, gas makes methane, compost makes  
25 methane, and they got a trace hit.

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1               Now they've got to figure out how it moves.

2   Now, we can do a couple of things here. We can say if  
3   you've got gas -- I've got to rethink how I'm going to  
4   say this.

5               (Laughter)

6               BOARD MEMBER JONES: If under the natural  
7   circumstances of law, everything biodegrades and makes  
8   gas, you've done your job and identified it, we are never  
9   going to let you get a permit to mirror conditions that  
10  are happening in a jurisdiction, I just want to know  
11  that. I want to know if we're going to tell everybody  
12  once you start making gas and as you put in this  
13  system -- and Billy Wright was a system that couldn't  
14  even survive. A flare could not survive on its own. It  
15  had to have an outside source of gas.

16              So I think we need to put into perspective what  
17  that does, look at Title 27, look at Title 14, because  
18  once these operators have identified that hit, they have  
19  requirements. They're fulfilling the requirements. So  
20  what's the violation?

21              BOARD MEMBER ROBERTI: Madam Chair.

22              CHAIR MOULTON-PATTERSON: Senator Roberti.

23              BOARD MEMBER ROBERTI: I agree with what you're  
24  saying as far as what the technical or the engineering  
25  possibilities are to mitigate gas migration. I'm not an

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1 engineer, I'm not a physicist, and I have to rely on  
2 staff on that. But the problem with what we're doing  
3 under Billy Wright and I guess similar situations is that  
4 we're coming up with a fourth solution which is a  
5 fiction, and that is not the physical solution of  
6 aerating or venting or burning off but a legal fiction  
7 that if you expand the landfill you are taking care of  
8 gas migration. That's a fourth solution that has no  
9 basis in engineering or physical reality. It's a legal  
10 fiction we're engaging in.

11           What I'm trying to get across is that is  
12 unsatisfactory. And if we're going to deal with it at  
13 all, we should deal with it only in the narrowest  
14 confines of the resolution as it was passed with some  
15 restrictions, and those restrictions are that those  
16 instances where the Board is the Enforcement Agency  
17 because I myself, and reasonable people can disagree on  
18 this and I understand Mr. DeBie's point, but I myself  
19 feel that the impact on us is different when we are  
20 acting initially as the entity that is coming up with the  
21 information or if we're trying to make a determination as  
22 to whether the LEA was reasonable in their determination.

23           So the problem that we're giving a legal fiction  
24 the same standing as a true physical solution is the  
25 problem. And since we're sort of trying to come up with

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1 a forensic answer rather than a physical answer, we then  
2 deal in the realm of politics and public opinion and it's  
3 absolutely a fact there is nothing more serious to the  
4 public, especially in urban areas, and I know Billy  
5 Wright is not in an urban area but there's nothing more  
6 serious to the public as gas migration.

7           When I was a member of the State Senate I had a  
8 problem in my own district. Ross Dress For Less was just  
9 exploded one day because a well that had been dug a  
10 hundred years earlier just decided to explode and nobody  
11 had a clue that that was under Ross Dress For Less. And  
12 near where I live right now, granted an urban area but  
13 I'm talking about the impact of gas migration, something  
14 which we cannot and we do not treat lightly, Los Angeles  
15 School District built the most expensive high school ever  
16 in the history of the United States over abandoned oil  
17 wells.

18           I know that's not what you're proposing, but I'm  
19 trying to give the dimensions, the dimensions of gas  
20 migration, and the last thing we should do is try to  
21 solve the problem through a legal fiction saying that if  
22 you expand the area you have solved the migration  
23 problem, which we all know is not real. It's a fiction.  
24 Why I'm saying this and why I myself am so riveted to  
25 this issue is because it is currently enormously

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1 important to the public and one which they pay much  
2 attention to.

3           And myself, of all the things I can think of, I  
4 don't want to be having to explain ten years from now  
5 when I'm a retired senior citizen, 15 years from now,  
6 that -- that I voted for something that was a legal  
7 fiction and the gas went off -- maybe there are not  
8 houses around there, maybe it's just animals strolling  
9 around -- and having to explain why I did it.

10           Gas migration is serious business and cannot be  
11 solved through a legal fiction that expansion solves  
12 migration because we all know that's not the case.

13           BOARD MEMBER JONES: Madam Chair.

14           CHAIR MOULTON-PATTERSON: Mr. Jones.

15           BOARD MEMBER JONES: I know we have people to go  
16 but I enjoy this debate with the Senator, and I think --  
17 I agree with you, but there is a standard for buildings  
18 and it's 2.5 percent. And then monitoring gas goes in.  
19 And I know. I've built buildings over landfills. There  
20 are ways to deal with it and they are prescribed in both  
21 Title 27 and Title 14, but I think one of the keys to the  
22 argument about the property line is that if you look in  
23 Title 14 under post-closure -- closure and post-closure  
24 activities under 17783(d) it says gas monitoring control  
25 systems shall be modified during the closure and

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1 post-closure maintenance period to reflect changing  
2 on-site and adjacent land uses. Post-closure land use at  
3 the site shall not interfere with the function of gas  
4 monitoring and the control system.

5           So clearly the statute understands that if --  
6 like a BKK would be a good example. BKK they started  
7 having -- first off, somebody let them put houses at the  
8 toe of the landfill, and -- so when the gas started  
9 migrating into those homes, within a matter of days they  
10 put a system in to get that gas under control.

11           That's very different than a property line in  
12 the middle of a field where the -- where -- because that  
13 was the appropriate action at that site because of those  
14 homes, to put in an aggressive system to draw that  
15 methane out. I agree.

16           But in the Billy Wright site, because landfills  
17 were built at the corner of boundary lines back many,  
18 many years ago and they don't include buffers now,  
19 they're getting a hit at the boundary line which is  
20 required by law for their monitoring, but 50 feet away  
21 there are no hits. There is no migration.

22           So it becomes a function of planning back in  
23 existing -- you know, when it was first developed as to  
24 where do you put the corner of the landfill. I mean it's  
25 a very, very sometimes just -- we were going to build a

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1 material recovery facility on a closed landfill. We had  
2 a cored road, cored meaning it's not built on garbage,  
3 it's built in layers, a road that isn't going to go  
4 anywhere -- and somebody went up there and said okay,  
5 build the MRF right here, about 3 million bucks, and put  
6 the corner right here, which was over the cored road.  
7 And I said no. Move it this way and keep it on the fill  
8 and we'll put the dikes down and we'll do all that  
9 because everything around that was going to settle except  
10 the cored road at which point it would have busted the  
11 thing in half.

12           So you've got to be able to look at that. All  
13 they're doing by moving that boundary line is looking at  
14 the law which says you can't do anything to your  
15 neighbor. Well, they're their own neighbor. So there is  
16 no violation. We've actually precluded them from being  
17 in -- in compliance, but that's another issue for another  
18 day.

19           But the statutes are very clear as to what the  
20 remedies are, but to -- for somebody that gets a hit of  
21 gas that isn't enough to burn on its own, to say that  
22 we're not going to have a long-term violation policy so  
23 that we can adequately address changes in communities  
24 that need these facilities because the alternative is the  
25 pimp program where the locals recognize the need for

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1 change, the LEA submits that change, accepts it and sends  
2 it to this Board, staff approves it, and then Board  
3 Members aren't -- are struggling with the timing of those  
4 issues.

5           Otherwise we tell people you take a trace of  
6 gas, you get a hit, we're not going to let you permit,  
7 that means -- I mean we've got to come up with an  
8 alternative then for all that garbage because there is  
9 garbage that's got to go into facilities that exceed  
10 permits. There really is garbage and that's what that  
11 policy was there for to determine. Gas migration may  
12 take four or five years to figure out where it's  
13 migrating. It may be a single pocket that once it's  
14 vented isn't there anymore. We can have John -- Pacey.  
15 I'm sorry. Pacey. You just got an award from SWANA for  
16 a lifetime of gas, who is one of the founders of --

17           (Laughter)

18           BOARD MEMBER JONES: Lifetime of gas  
19 engineering. I'm sorry. I'm sorry -- who is working on  
20 all the bioreactor stuff that we're funding, is  
21 absolutely known internationally, and have him come in  
22 here and talk to us about what landfill gas is. It is  
23 not an exact science. You could get a hit one month, one  
24 quarter, and not get a hit the following quarter. That's  
25 just the nature of the beast.

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1           So I want us to try to keep this dialogue going  
2 but understanding that that long-term violation was so  
3 that we did not become archaic and not let facilities  
4 adapt to current conditions to -- so that their permit  
5 reflects what they need to do while they're still  
6 accumulating information.

7           And I still want to have the discussion about  
8 once it's -- once the indicators are there and they've  
9 done everything, what's the violation. So anyway, thank  
10 you, Madam Chair.

11           CHAIR MOULTON-PATTERSON: Ms. Tobias.

12           MS. TOBIAS: I just wanted to offer a little bit  
13 of perspective, I guess a history that I don't quite see  
14 in the agenda item. That is that when this policy was  
15 adopted, what the Board was grappling with at the time  
16 was whether or not to have facilities that are long-term  
17 problems, something that was going to take anywhere from  
18 a year to five years to deal with, whether or not they  
19 should have their permits updated. And I'm not going to  
20 address expansion and either laterally or the amount of  
21 tonnage.

22           But the question that really came down to at  
23 that time is did we want facilities that had up-to-date  
24 permits so that we had current permit terms and  
25 conditions that we could then enforce or did those

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1 facilities basically end up kind of staying out there  
2 with their long-term violation, whatever it was, with old  
3 permits which we then couldn't necessarily enforce  
4 against either.

5           So at the time it really came down to that issue  
6 of -- and I think the way the Board went at the time --  
7 was that it was better to have a currently permitted  
8 facility that had current terms and conditions with a  
9 compliance program -- and it's easiest to use gas as the  
10 example -- that basically set up the compliance program  
11 of what they were going to live with.

12           So if you look back at what the original, at  
13 least one of the original bases for the program, what  
14 might be perhaps helpful is to look at the chart that  
15 shows facilities that utilize the long-term policy and to  
16 look at whether or not this was effective because I think  
17 that what you can kind of see, at least what I see in  
18 looking at this fairly quickly, is that perhaps half the  
19 time it was effective in the sense that we have  
20 facilities that have actually completed their compliance  
21 and are basically now in compliance. And then you have  
22 several others where there are notice and orders that are  
23 either expired, where they've been extended several  
24 times.

25           So that might be one place to look at is did the

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1 policy accomplish what we wanted, which was bringing  
2 facilities into compliance. If not, and if we're looking  
3 at keeping this policy, how might we strengthen it to  
4 make sure that we get compliance when we think we're  
5 going to get it; or if we're not going to use it, to look  
6 at these facilities and to see who it would have been  
7 sitting out there without a current permit. And I offer  
8 that not as direction or anything but just as a sense of  
9 what the Board was looking at at that time or I should  
10 say what staff was trying to accomplish in working with  
11 the Board at that time.

12 CHAIR MOULTON-PATTERSON: Okay. We do have more  
13 speakers.

14 Rick Best.

15 MR. BEST: Thank you, Chairwoman and Board  
16 Members. Rick Best with Californians Against Waste.

17 I guess I first want to say THAT unfortunately  
18 this item was not on your web site, available yesterday.  
19 So I wasn't able to get this item until today, but if you  
20 could try and make sure that items are available on the  
21 web site. It kept giving me an error message, so --

22 CHAIR MOULTON-PATTERSON: We certainly will.

23 MR. BEST: So I just -- my comments are based  
24 upon reading this item here at the meeting today, so I  
25 apologize for not being able to give more in-depth

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1 comments, but I guess I want to begin by thanking  
2 Mr. Roberti for bringing this issue forward. I think  
3 this is certainly an important issue to consider.

4           Certainly just looking at the list of facilities  
5 that are out here, eight out of the 17 facilities,  
6 basically half, are facilities where a violation was  
7 noted back in '94, '95, '96. We're talking five years  
8 ago many of these facilities have had a violation and yet  
9 they still haven't come into compliance. We think it's  
10 particularly troubling that this Board really needs to  
11 take a look at this policy and see is this really -- yes,  
12 half the facilities have gotten into compliance, but  
13 another half are not in compliance.

14           Certainly the dangers of landfill gas are  
15 certainly well noted around the state. We need to make  
16 sure that this policy is being used to the maximum effect  
17 to making sure that this -- that these violations are  
18 being corrected. So I think -- I guess that's my first  
19 point.

20           I think the second point that Mr. Roberti raised  
21 is the issue with regards to who determines this, you  
22 know, what is a dangerous violation. I think there is --  
23 I don't see anything in this item that explains how  
24 that's determined or what level of determination is made  
25 as to whether it is an issue that's going to be harmful

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1 to health and the environment. I think that really needs  
2 to be explained and particularly with regards to the  
3 extent that LEAs are being asked to carry out this  
4 policy. Are they -- have they been educated as to what  
5 the policy means and what kinds of operations should  
6 be -- what kind of violations should be considered under  
7 the policy.

8 I think it's certainly understandable that the  
9 policy, as I take it, was originally crafted to be  
10 specific when the Waste Board was the LEA, and certainly  
11 they would have the expertise and knowledge as to how to  
12 make that determination. If it's going to be applied to  
13 a much broader array of folks, i.e. LEAs, to actually  
14 implement, I think they really need to be adequately --  
15 adequately prepared to make those determinations.

16 And so I think those are our basic concerns with  
17 this. I think this should not be, you know, upheld at  
18 this point. I think there really needs to be a closer  
19 look at this policy making sure that there's a better  
20 understand what is indeed hazardous and making sure the  
21 process for resolving these facilities that have  
22 long-term violations.

23 Thank you.

24 CHAIR MOULTON-PATTERSON: Thank you, Mr. Best.

25 Kelly Smith.

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1           MR. SMITH: Madam Chair, Board Members. I think  
2 I'll speak representing the Coalition For Alternatives to  
3 Kieffer Landfill, which in 1995 was before your Board  
4 with a landfill that is on the list that you have in  
5 front of you. Just for your information, the process  
6 there was that when the permit got to the Board, the  
7 pre-permit inspection was conducted and that found  
8 volumes of landfill gas approaching 20 percent of the  
9 atmosphere at the periphery of the landfill.

10           A notice and order was issued. That was --  
11 compliance was made a condition of that permit and the  
12 permit was approved in very short order. I think that's  
13 what you find happening here and that's really what the  
14 issue is.

15           When a problem is discovered with these landfill  
16 sites, do we really want to approve more landfilling at  
17 that site? Obviously there's a problem. Obviously --  
18 obviously and it's been documented and that's good  
19 grounds right there for at least stopping and taking a  
20 look at what the problem really is.

21           I think some of the uncertainties and the  
22 technical difficulties of determining where the landfill  
23 gas is coming from and where it's going would indicate  
24 that. There are also other problems with water pollution  
25 and everything else that can be discovered, long-term

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1 violations of contamination of groundwater, for example,  
2 which should raise the same kinds of questions.

3 I would also have a problem with this seeming  
4 abdication to the Local Enforcement Agencies to take care  
5 of these problems, particularly when we contrast that  
6 with the PEP program here, which again is just an  
7 abdication of the Board's responsibility in permitting or  
8 not permitting landfills. To be able to say that we can  
9 double the tonnage going into a landfill on a daily basis  
10 and that not constitute a significant change which would  
11 trigger a new landfill permit is wrong.

12 That should be looked at and perhaps this policy  
13 should be looked at to address these problems, but again  
14 I think the bottom line is why are we approving landfills  
15 when the fact of violations, perhaps long-term ones, ones  
16 that will take a long time to remedy, are not addressed  
17 in light of the expansion of a landfill that is in front  
18 of you.

19 Thank you.

20 CHAIR MOULTON-PATTERSON: Thank you, Mr. Smith.  
21 We still have a number of speakers, so I'm going to ask  
22 that we recess until 2:00 for lunch.

23 (Lunch recess taken)

24 CHAIR MOULTON-PATTERSON: I'd like to call the  
25 meeting back to order.

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1           Mr. Jones, do you have any ex partes?

2           BOARD MEMBER JONES: Well I said hi to Steve  
3 Maguinn and Mike Mohajer and Chuck Helget and whoever.  
4 God forbid I said hi to somebody and didn't acknowledge  
5 them. I'm sorry.

6           (Laughter)

7           CHAIR MOULTON-PATTERSON: Mr. Medina.

8           BOARD MEMBER MEDINA: None to report.

9           CHAIR MOULTON-PATTERSON: Mr. Paparian.

10          BOARD MEMBER PAPARIAN: Yes. Briefly with John  
11 Cupps.

12          CHAIR MOULTON-PATTERSON: Senator Roberti.

13          BOARD MEMBER ROBERTI: Well, Mr. Mohajer wished  
14 me happy Thanksgiving, so I don't think I have to ex  
15 parte, but we'll wish everybody happy Thanksgiving in  
16 turn.

17          CHAIR MOULTON-PATTERSON: Okay. Thank you.

18          We're still on Item 15 and let me get the  
19 speaker slips here. Justin Milan was next.

20          MR. MILAN: Madam Chair, Board Members, Justin  
21 Milan with CCDH and the LEAs. Thanks for the  
22 opportunity.

23          This is a great discussion. I share -- I echo  
24 Board Member Jones's enthusiasm for getting into the  
25 nitty-gritty here. It's certainly been a lively debate.

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1           I wanted to raise three issues and didn't want  
2 to get into the specifics of any particular permit that I  
3 think we refer to here, but I do have to allude to it.

4           Firstly, from the LEAs' perspective, I'm hoping  
5 that the discussion doesn't revolve around the competence  
6 of the LEAs and their ability to do their jobs. I got a  
7 little sense of that earlier and I guess what -- from an  
8 LEA perspective, we hope this isn't what's driving this  
9 agenda and what's driving this discussion because we feel  
10 that might be counterproductive. So I'm not saying it  
11 is, I just wanted to throw out that hope from an LEA  
12 perspective that if a decision is being taken, that it's  
13 not necessarily one of competence or incompetence or that  
14 the Board staff is more competent than the LEA and that  
15 the Board is better equipped to take a decision of this  
16 magnitude, it would more be a deliberation of how this  
17 particular Board or Board policy is being interpreted by  
18 the parties involved.

19           BOARD MEMBER ROBERTI: Madam Chair.

20           CHAIR MOULTON-PATTERSON: Senator Roberti.

21           BOARD MEMBER ROBERTI: I'm glad you raised that  
22 since I did most of the talking in the matter. No, that  
23 certainly wasn't what was driving me. What was driving  
24 me was it's easier for the Board at our level to engage  
25 in a standardization than it is when we're talking about

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1 the LEAs, so many of them, and I felt that was probably  
2 what was driving the original members of the Board to  
3 pass the agenda item. Strictly the ability with the  
4 Board acting as the Enforcement Authority can standardize  
5 to an extent that we cannot when we're dealing with the  
6 LEA.

7 Now, obviously the interpretation of the  
8 existing policy has turned out to be different, but just  
9 to lay it on the table, no, I don't -- I didn't mean to  
10 imply that the LEAs aren't doing their jobs.

11 MR. MILAN: Thank you. And that segways into my  
12 second point, Madam Chair, and that is essentially the  
13 long-term violation is the Board's decision. The LEA  
14 doesn't make that determination whether it's moving ahead  
15 with a long-term violation, and I think certainly it is  
16 within your jurisdiction and scope to make that  
17 determination as to whether there is something being done  
18 that's jeopardizing the public health and the  
19 environment, and I don't see an LEA taking any exception  
20 to that.

21 The LEA takes a decision, there may be some  
22 disagreement over there, but I think that's within your  
23 realm. There's always an overriding consideration of  
24 public health and safety and that is in the statute and  
25 that's in the regulations. And I think being

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1 predominantly environmental health jurisdictions, we're  
2 very cognizant of this burden and responsibility that we  
3 have is to show whatever action we take, whatever action  
4 we permit is not jeopardizing the public health and the  
5 environment.

6           And the third point is where we allude to the  
7 Billy Wright permit, and that is one of the concerns that  
8 the LEAs have with this process and we're certainly  
9 welcoming the Board's review and possible revision of the  
10 policy that the Board -- this Board and its predecessors  
11 have, we encourage that because we think it's healthy and  
12 necessary, but one of the concerns we have is a  
13 procedural issue and that is deciding to change or -- to  
14 change or modify policy on the back of a permit.

15           As I know that you're aware that in this  
16 particular case, and I'm not arguing for or against the  
17 permit, but I want to use it as an illustration. This  
18 has been two years in the works and the LEA and the  
19 operators have been consulting with the Board and the  
20 Board staff for two years. We've had some discussion  
21 here on the whole question of the Board policy, Board gas  
22 violation policy.

23           What makes it particularly burdensome on the LEA  
24 is not what your policy is but the threat that the policy  
25 is changed the month before the month of the decision as

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1 to whether this policy is going to be implied in such a  
2 way that it could deny a permit that actually has been  
3 going through the process with the sanction of the Board  
4 staff for a while.

5           And that's the burden I think that this  
6 discussion in the context of the Billy Wright permit  
7 places on the LEA. We want to ensure that it's not the  
8 question of the merits of the particular permit or the  
9 need and the advisability of reviewing the policy but  
10 just the timing that poses a little bit of a problem to  
11 us.

12           Thank you.

13           CHAIR MOULTON-PATTERSON: Thank you. And I  
14 would just like to speak for the Board that the Board --  
15 I feel I can speak for everyone -- has the utmost respect  
16 for the LEAs. When we have discussions like this, it is  
17 not a reflection on the LEAs.

18           Mr. Paparian.

19           BOARD MEMBER PAPARIAN: I wanted to ask you.  
20 When I look at this list, one thing that keeps puzzling  
21 me about this list is almost all of these are public  
22 facilities. One or two private facilities show up on  
23 this list. Do you have any opinion from your experience  
24 with the LEAs why the public facilities tend to dominate  
25 the list?

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1           MR. MILAN: Now, that's a mine field I hope  
2 nobody ever hoped -- ever asked me to jump into.

3           (Laughter)

4           MR. MILAN: I can't sit here with my clients  
5 behind me here, Mr. Paparian, sir -- it's a tricky issue.  
6 It is a tricky issue and I'm going to give you a  
7 political response here. I'm not -- I couldn't honestly  
8 say that it's just because they're private that they're  
9 on the list. I think some people have alluded -- some  
10 private operators have alluded to the fact that it's a  
11 difficult -- that they're public. I beg your pardon --  
12 that it's a difficult issue, that the long-term gas  
13 violations do take time to resolve, but our hope at least  
14 from CCDH and the environmental health perspective is  
15 that we don't see a disparity between the way an LEA  
16 treats a public and a private facility. If there is one,  
17 we hope that it's flushed out and dealt with.

18           But we want to stress that from our perspective  
19 that if there's disparity between the way that the LEA  
20 treats the private sector and the public sector, that  
21 this should be reviewed in the triannual review of the  
22 LEA's performance, and to the extent that we can assist  
23 you with that, we would be happy to do that.

24           BOARD MEMBER ROBERTI: Madam Chair.

25           CHAIR MOULTON-PATTERSON: Senator Roberti.

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1           BOARD MEMBER ROBERTI: If I could just give my  
2 own little observation in response to Mr. Paparian's  
3 question. What I think we're faced with here is just  
4 local jurisdictions always finding something more  
5 important than environmental protection, and usually it's  
6 public health and safety. Understandable, public safety.  
7 But almost inevitably no matter what the jurisdiction,  
8 until a crisis happens, no different speaking in today's  
9 lingo, than what's happening in Palm Beach County where  
10 they didn't bother to upgrade their election processes or  
11 election machines for years and years and years and  
12 years, that evidently all through Florida because  
13 everything is more important.

14           And the same thing happens with the environment.  
15 There are certain things that are at the bottom of the  
16 totem pole, and unless we vigorously make sure that local  
17 jurisdictions put it at the front. In this case our  
18 environmental considerations will always be at the  
19 bottom, always be at the bottom. And that's what our job  
20 is in part and that is to help local jurisdictions  
21 establish their priorities maybe with environmental  
22 considerations, waste reduction being in mind. And this  
23 isn't to reflect on your sector of local government, the  
24 LEAs doing their job with whatever budgets they work  
25 with.

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1           MR. MILAN: Madam Chair, only one passing  
2 comment and that is I think to some extent we also have  
3 to throw it back into the public arena and consider the  
4 cost benefit analysis. I'm not suggesting and I'm not  
5 qualified to talk about any of these 17 cases as to what  
6 the real public health risk or environmental threat is.  
7 I don't want to suggest it isn't a threat. I don't want  
8 to suggest it is a major threat. But I think that's part  
9 of the equation, and they may actually in some cases not  
10 be a significant threat to the public health and the  
11 environment and may not actually warrant extensive  
12 expense of public funds to address an issue.

13           I'm not apologizing for it, I'm not saying it is  
14 the case, but I think that's part of the discussion.  
15 It's an open political process, and I think part of the  
16 discussion is the fact that there is an exceedance of  
17 gas, for example, I don't know if it means it's a  
18 violation and it's actually posing a real public health  
19 threat or environmental threat and I think that should be  
20 part of the discussion.

21           If we take this further into a more deliberate  
22 debate in working groups, et cetera, like the PEP policy,  
23 part of the discussion should be are these standards  
24 appropriate, are there other ways of evaluating whether  
25 this truly is a threat to the public health or

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1 environment or is it just a regulatory violation.

2           So that I'm going to throw back as a rebuttal  
3 and that should be part of the equation.

4           CHAIR MOULTON-PATTERSON: Thank you, Mr. Milan.

5           MR. MILAN: Thank you.

6           CHAIR MOULTON-PATTERSON: Is Paul Manasjian  
7 still here?

8           MR. MILAN: No, he had to leave.

9           CHAIR MOULTON-PATTERSON: That's where the slip  
10 went. That's all of our speakers for now.

11           We'll open it up to Board Members. Any other  
12 comments? Senator Roberti.

13           BOARD MEMBER ROBERTI: Yes, Madam Chair. I  
14 would like to move to suspend the long-range -- long-term  
15 gas violation policy until -- long-term -- what do we  
16 call it? Long-term violation policy until February  
17 giving our staff time to come back with recommendations  
18 to us.

19           BOARD MEMBER JONES: Suspend it or continue it?

20           BOARD MEMBER ROBERTI: That -- to suspend it.  
21 To suspend it, giving staff an opportunity to come back  
22 to us at the February meeting with recommendation -- with  
23 recommendations on how we standardize the meaning of --  
24 here we go. The meaning of the words "threat to the  
25 environment, public health and safety," as well as the

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1 words found on page 2, "If the owner/operator was doing  
2 what they could to correct violations." "Could" is very  
3 vague.

4 And then not as part of my motion but for the  
5 Board to understand how I'm reading my own motion is I am  
6 reading the current Board policy as applying only to the  
7 Board as Enforcement Agency. I am not amending the  
8 sub-policy we've been operating under and that is the  
9 LEAs also having the advantage of this proposal. That is  
10 something I think we have to deal with and discuss how  
11 we're going to operate, but right now that does not  
12 appear to be formal policy.

13 Maybe not as part of my motion but at the same  
14 time staff should come back with a discussion on how we  
15 treat LEAs in the same situation.

16 CHAIR MOULTON-PATTERSON: So we have a motion to  
17 suspend. Do we have a second? Mr. Paparian.

18 BOARD MEMBER PAPARIAN: I'll second.

19 CHAIR MOULTON-PATTERSON: We have a motion to  
20 suspend the long-term violation policy and direct staff  
21 to come back to us by Mr. -- Senator Roberti, seconded by  
22 Mr. Paparian.

23 Any comments or -- before we vote?

24 BOARD MEMBER JONES: Madam Chair.

25 CHAIR MOULTON-PATTERSON: Mr. Jones.

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1           BOARD MEMBER JONES: I'm not going to offer a --  
2 an alternative. I'll just see how this one lives or  
3 dies, but I think that a couple of things we need to be  
4 aware of. We heard from Rick Best. I've heard from  
5 Steve Maguinn and the people from the L.A. San District  
6 that this thing was not delineated on the BODS system on  
7 the internet other than the title. I don't think that  
8 makes a whole lot of sense considering how we try to  
9 include stakeholders, I thought.

10           And the other thing is I think my question  
11 earlier in the discussion was pretty valid about we're  
12 talking about minimum thresholds. And when we're talking  
13 about policy or it's being put that these policies were  
14 from the dark ages, Subtitle D was passed in 1986. State  
15 of California was one of the first states to ever be  
16 approved to manage its own wastestream because of its  
17 aggressive programs. Those same aggressive programs  
18 include monitoring in landfills, where you can go into  
19 states all over this nation right now where they don't  
20 even monitor at landfills. They're that far behind the  
21 curve.

22           So I think that in trying to put this into  
23 perspective, to understand what thresholds are, to  
24 understand what indicators are, to understand how gas  
25 does not just develop and it stays there forever, that it

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1 becomes -- it can be affected by weather, it can be  
2 affected by a whole lot of different things, is really  
3 pretty paramount in this discussion because I think that  
4 while I agree with some of the things the Senator is  
5 saying on the need for this Board to protect the health  
6 and safety and the environment, I absolutely agree with  
7 and I think my record supports that, but I also am able  
8 to base a lot of my votes on why my appointing authority,  
9 Gray Davis, asked me to sit on this Board was because I  
10 had the experience of running these facilities. So I  
11 always try to bring to this discussion those types of  
12 issues.

13           And what I'm trying to say is not to derail this  
14 discussion. I think the discussion is great and I like  
15 the fact that we're having it, but I think that we need  
16 more information about what these thresholds really mean  
17 and how gas really is in that -- in the refuse and what  
18 the measures are to take it out because the reason that  
19 there are three ways to deal with gas once it hits a --  
20 not just the threshold but an explosive limit where it  
21 does become -- you know, reaching a threshold is not the  
22 trigger for public health and safety and protection of  
23 the environment. That's a trigger to make people to  
24 start understanding that there is the generation of gas  
25 in some kind of quantity that they need to be aware of.

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1 It's when it reaches a higher level that it in fact does  
2 become a true threat to public health, safety and the  
3 environment.

4 I think that we need to have that discussion to  
5 better be informed about what it is -- what policy we're  
6 doing because the policy to allow permits to come  
7 forward, recognizing that they have met a threshold and  
8 are continuing to monitor -- because I will grant you  
9 this. If somebody measures landfill gas and refuses to  
10 do the other steps that the statute delineates, which is  
11 notify the LEA, post it and then come up with a plan,  
12 then that is a long-term violation and those people  
13 should be shut -- we should take an aggressive action on  
14 them.

15 But in this case and in a lot of these cases  
16 what we've got is an indication of gas that has hit a  
17 minimum threshold and we are going to continue to monitor  
18 to determine the explosive nature of it, the quantity of  
19 it and what the constituents around it, including the  
20 ground, the water and all those things are all part of  
21 the program to figure out how bad the problem is and how  
22 bad the health and safety is. We haven't had that  
23 discussion.

24 BOARD MEMBER ROBERTI: I don't have any problem  
25 having that discussion. I think our February meeting

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1 should include that. I agree with everything you say.

2 My only point right now and maybe where we have  
3 any disagreement is that between now and the February  
4 meeting we suspend what appears to be a very imprecise  
5 policy where we're using words like "could" or vaguely  
6 "threat to the environment," the very things that I think  
7 you're concerned about because they aren't -- they aren't  
8 specific and I want to just see how our definition is  
9 backed up by real data. So I don't think we're too far  
10 apart. I'm looking for --

11 BOARD MEMBER JONES: We're pretty close. You  
12 want suspend. I say let's continue.

13 (Laughter)

14 CHAIR MOULTON-PATTERSON: Okay. I have a  
15 question of our legal counsel. We aren't in any problem  
16 with noticing if it's -- if all the backup wasn't on the  
17 internet, that wasn't a legal noticing problem; was it?

18 MS. TOBIAS: No. Excuse me -- no. The --

19 CHAIR MOULTON-PATTERSON: I mean that would be  
20 preferable obviously.

21 MS. TOBIAS: It's -- I think the Board's always  
22 been clear and I think we've always tried to have agenda  
23 items on the -- available. What's required by law is  
24 that the titles be on.

25 So may I say -- seek one other point of

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1 clarification? I didn't quite understand, Senator, on  
2 what you meant by saying that this would just apply to  
3 the Board during this time. Does that -- you were  
4 trying --

5 BOARD MEMBER ROBERTI: No. It suspends our  
6 policy, quote, whatever that is, unquote, and that's what  
7 I meant. I was just trying to tell my own -- I was  
8 making an aside that no matter what we say, I personally  
9 from my point of view believe that the policy as written  
10 only applies to the Board as Enforcement Agency anyway,  
11 and I understand that is subject to -- may be subject to  
12 some dispute.

13 CHAIR MOULTON-PATTERSON: And the motion is to  
14 suspend, not revoke.

15 BOARD MEMBER ROBERTI: Suspend.

16 CHAIR MOULTON-PATTERSON: All right. Okay.

17 Please call the roll.

18 BOARD SECRETARY: Jones.

19 BOARD MEMBER JONES: No.

20 BOARD SECRETARY: Medina.

21 BOARD MEMBER MEDINA: No. I agree with a lot of  
22 the remarks that were made, a lot of the concerns, but  
23 I'm not inclined to revoke current policy. I would  
24 rather vote on something that's presented to the Board  
25 that's better than what we have, but at this point I will

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1 not vote to suspend.

2 BOARD SECRETARY: Paparian.

3 BOARD MEMBER PAPARIAN: Aye.

4 BOARD SECRETARY: Roberti.

5 BOARD MEMBER ROBERTI: Aye.

6 BOARD SECRETARY: Moulton-Patterson.

7 CHAIR MOULTON-PATTERSON: Aye.

8 The motion is dead.

9 BOARD MEMBER ROBERTI: Then I move that the

10 Board come back -- the staff come back and report to us

11 in February a redrafting of the policy to give

12 specificity -- a redrafting of policy along the lines of

13 the debate this afternoon with particular attention to

14 specificity to what is meant by "threat to the

15 environment and public safety" and what is meant by the

16 words -- or to give specificity to the words what they

17 "could" do to correct violations.

18 CHAIR MOULTON-PATTERSON: Okay. Do we need to a

19 motion for that or can we just direct? I think we can

20 just direct the Board -- I mean the staff; can't we? Or

21 do you want a motion? So you have the direction. Okay,

22 Senator.

23 BOARD MEMBER JONES: Madam Chair, can I ask a

24 quick question of the Senator?

25 CHAIR MOULTON-PATTERSON: Mr. Jones.

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1           BOARD MEMBER JONES: I don't know that February  
2 is the right time, but -- I don't have a problem with  
3 yours. I'm going to make my suggestion. Do you think  
4 there's value in having -- talking to John Pacey and some  
5 people to talk about gas and what it means prior to that?  
6 I don't want to offend anybody.

7           BOARD MEMBER ROBERTI: Either prior to it or  
8 during the meeting, yes.

9           BOARD MEMBER PAPARIAN: I'd like to get a range  
10 of views and -- on the gas issue. In fact, this comes  
11 also up with the state minimum standards issues. I would  
12 like to feel comfortable that the standard that we have  
13 there is the right standard and is consistent with  
14 current knowledge of the issue.

15           BOARD MEMBER JONES: So -- and I agree with you.  
16 Could the -- could the February meeting then include that  
17 discussion from -- and I don't care who we get, Pacey and  
18 whoever else, and then talk about what the standards are,  
19 but break down Title 14 and Title 27 to -- there's two  
20 standards. One is the indicator and one is when you hit  
21 25 percent when it is explosive.

22           Let's have that actually discussed and laid out  
23 in a format that people understand the difference and  
24 then what are current -- is that reasonable?

25           CHAIR MOULTON-PATTERSON: I think the more

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1 information we can have the better. Certainly. Thank  
2 you. Item -- were you finished, Mr. Paparian?

3 BOARD MEMBER PAPARIAN: Yes, thank you.

4 CHAIR MOULTON-PATTERSON: Item 16.

5 MR. WALKER: Item 16 is consideration of  
6 preparation of regulations to implement Public Resources  
7 Code Sections 44104 and 44106 respecting the placement of  
8 solid waste facilities on the inventory of facilities  
9 which violate state minimum standards and discussion of  
10 status of facilities on inventory and examination of  
11 effectiveness of programs. That's a long title, but  
12 sorry.

13 This item will be presented by Michael Bledsoe  
14 of the Board's Legal Office with assistance from Mark  
15 DeBie.

16 MR. BLEDSOE: Good afternoon, Madam Chairman and  
17 Members of the Board. At the October 17, 2000 board  
18 meeting, the question arose as to the interpretation of  
19 the term "compliance schedule" which is required by  
20 Public Resources Code Section 44106.

21 Compliance schedule is not defined in regulation  
22 or statute, so the Legal Office was asked to consider the  
23 meaning of the term and to consider whether it can be  
24 adequately interpreted through a legal opinion or whether  
25 the Board should adopt regulations to more fully describe

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1 the meaning of the term and its role in the inventory.

2           So the options before the Board regarding this  
3 matter this afternoon are to accept the Legal Office's  
4 interpretation of compliance schedule, which I'll discuss  
5 in a moment, or to adopt regulations setting the matter  
6 more clearly after a workshop has been held.

7           Staff recommends that the Board adopt  
8 regulations to define compliance schedule and to much  
9 more fully flesh out the inventory process, the role of  
10 the Board, the role of the Enforcement Agencies.

11           Public Resources Code Section 44104 requires  
12 that the Board maintain an inventory of solid waste  
13 facilities that violate state minimum standards. Section  
14 44106 requires that Enforcement Agencies develop  
15 compliance schedules for facilities that are on the  
16 inventory and that the facilities exercise diligent  
17 progress toward achieving compliance.

18           If a facility fails to come into compliance as  
19 set forth in the compliance schedule, the Enforcement  
20 Agency may suspend the facility's operating permit until  
21 compliance is achieved. Those statutes are attached to  
22 your agenda item as Attachment A.

23           Regulations do not define the term compliance  
24 schedule and it appears that Enforcement Agencies  
25 interpret that term in various ways. Some schedules are

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1 written, some are not. Most Enforcement Agencies do have  
2 written compliance schedules in the form of enforcement  
3 orders, but not all. The extent to which Enforcement  
4 Agencies monitor the diligent progress of a facility in  
5 coming into compliance certainly varies widely.

6           You'll see as Attachment B, which was just  
7 handed out to you and is provided on the back table,  
8 there are some 17 facilities on the inventory and their  
9 current status is described there. If you have questions  
10 about the details of the inventory, Mark DeBie can  
11 provide those.

12           When the Legal Office looked at the phrase -- at  
13 the term compliance schedule, we came to the conclusion  
14 that it should be in writing, even though the statute  
15 does not explicitly require that. For all practical  
16 purposes it has to be in writing to be enforceable. Due  
17 process requires that the consequences of an action be  
18 clear to an entity that might lose its permit. So if you  
19 don't have a written compliance schedule, it's really not  
20 very clear to the solid waste facility what the  
21 compliance shortfall is.

22           Likewise from the other side of the coin, if  
23 an -- if an Enforcement Agency is trying to enforce a  
24 compliance schedule, if it's not written they're going to  
25 have an awful hard time convincing anyone what the

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1 compliance schedule actually is.

2           That's consistent with simple dictionary  
3 definitions of schedule. When a term in a statute is not  
4 defined in the statute, it's appropriate to look to the  
5 common usage of the word to understand its meaning. The  
6 definition of schedule certainly implies a writing. So  
7 it's our view that compliance schedules required under  
8 44106 must be in writing, and for those Enforcement  
9 Agencies that have compliance schedules that are not in  
10 writing, we suggest that they be advised to issue written  
11 compliance schedules without delay.

12           There are only about five or six facilities in  
13 that circumstance. Two of them have -- are extremely  
14 close to compliance, so we're talking about a fairly low  
15 small number of facilities, three or four, that do not  
16 have written compliance schedules already.

17           We suggest further that regulations or that the  
18 enforcement of PRC Sections 44104 and 44106 would benefit  
19 greatly from having a regulatory scheme developed.  
20 Lacking regulations, these statutes simply don't have the  
21 kind of specific detail that's needed that would be  
22 advantageous to have them implemented consistently  
23 throughout the state. Simply that obvious example that  
24 brought this item to your attention is compliance  
25 schedule is not defined in statute, what exactly is that.

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1 Is it written? What should it have on it? What should  
2 it entail? What is diligent progress? What kinds of  
3 violations are sufficient to get the facility on the  
4 inventory?

5           These are matters that could be addressed in  
6 regulations and would clarify how the inventory can be  
7 used, should be used to carry out state -- state policy.

8           Since the inventory has been around for ten  
9 years or so, it may very well be time to take a look at  
10 it and consider whether or not it's serving a useful  
11 purpose anymore. If it is, then it might be worth  
12 evaluating if it could be improved, enhanced to be a more  
13 useful tool in carrying out state policy.

14           And we never recommend regulations without  
15 having close conversations with stakeholders anyway, so  
16 if a workshop were held at which the broad question of  
17 the inventory, its role in state solid waste policy, its  
18 utility at the local level to help enable Enforcement  
19 Agencies to encourage compliance by solid waste  
20 facilities, those matters could be discussed at the  
21 workshop leading then to recommendations that perhaps we  
22 don't need the inventory anymore and legislation should  
23 be pursued to that end, or that we do still need the  
24 inventory and it should be improved or modified in  
25 various ways.

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1           So consequently it's the Legal Office's view  
2   that compliance schedules should be in writing, that  
3   regulations would be beneficial to implementing the  
4   inventory, and that leading up to the regulations we  
5   should first have a workshop with interested parties to  
6   discuss the matter.

7           CHAIR MOULTON-PATTERSON: Thank you. Questions?

8           BOARD MEMBER JONES: Madam Chair.

9           CHAIR MOULTON-PATTERSON: Mr. Jones.

10          BOARD MEMBER JONES: I think it would be great.  
11 I think, though, that we ought to have three workshops.  
12 I think we should -- seriously. I think we should have  
13 one in the north, I think we should have one in the  
14 south, and I think we should have one on the eastern  
15 boundary because it's the eastern boundary, the Mono  
16 County, Inyo County, those counties along the eastern  
17 border that fight different battles than are fought in  
18 the rest of the state and I think this will not only go a  
19 long way to get their input, it will also show those  
20 local jurisdictions that we are very serious about this.

21          Remember, we have taken away LEA activity or  
22 limited it in one of those counties and reinstated it  
23 later, but it was only after those Boards of Supervisors  
24 came to the realization that we meant business.

25          I think that this is a workshop that could have

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1 very, very beneficial use and probably my suggestion  
2 would be to have it in those three areas.

3 CHAIR MOULTON-PATTERSON: Thank you. When you  
4 said with stakeholders, would that include the  
5 Enforcement Advisory Committee, the EAC? Did you include  
6 them.

7 MR. BLEDSOE: Yes. Yes, everyone who would have  
8 an interest.

9 CHAIR MOULTON-PATTERSON: And possibly send out  
10 an LEA advisory in the meantime saying all schedules  
11 should be in writing while the regulations are being  
12 formed, drafted.

13 MR. BLEDSOE: I think we might send out some.  
14 We can prepare an opinion letter that could be sent to  
15 Enforcement Agencies, yes.

16 CHAIR MOULTON-PATTERSON: Any other questions or  
17 comments? Okay. Do we need a motion to approve the  
18 staff recommendation?

19 MR. BLEDSOE: Well, you would need a motion if  
20 you want us to hold the workshops and begin the  
21 regulations process.

22 CHAIR MOULTON-PATTERSON: Okay.

23 BOARD MEMBER JONES: What kind of number do you  
24 want us to use for that motion? I don't have anything.

25 MS. TOBIAS: You wouldn't be doing -- you would

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1 just be doing a motion that implies the direction. It  
2 doesn't have a resolution because we're not going to  
3 be --

4 BOARD MEMBER JONES: Okay.

5 BOARD MEMBER PAPARIAN: I'll so move. Do you  
6 need the wording or have you got enough --

7 MS. TOBIAS: I think in the item it doesn't have  
8 a --

9 BOARD MEMBER PAPARIAN: I'll move that we direct  
10 the staff to begin the process of --

11 MS. TOBIAS: You could move the staff  
12 recommendation. It basically says the public workshops  
13 should be held first with all the interested parties,  
14 EAs, industry, public interest groups, to enhance the  
15 inventory's effectiveness utility and bring back to the  
16 Board any proposed statutory regulatory changes and adopt  
17 regulations.

18 BOARD MEMBER PAPARIAN: Thank you. Well said.  
19 That's what I move.

20 CHAIR MOULTON-PATTERSON: Thank you,  
21 Mr. Paparian.

22 Do we have a second? I'll second. Moved by  
23 Mr. Paparian and seconded by Moulton-Patterson.

24 Please call the roll.

25 CHAIR MOULTON-PATTERSON: Did you get that in?

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1           BOARD MEMBER JONES: I want to know if that  
2 meant the three, I mean my suggestion about the three and  
3 Mr. Paparian indicated yes and Kathryn indicated yes.

4           CHAIR MOULTON-PATTERSON: Okay. Thank you.  
5 Please call the roll.

6           BOARD SECRETARY: Jones.

7           BOARD MEMBER JONES: Yeah. Aye.

8           BOARD SECRETARY: Medina.

9           BOARD MEMBER MEDINA: Aye.

10          BOARD SECRETARY: Paparian.

11          BOARD MEMBER PAPARIAN: Aye.

12          BOARD SECRETARY: Roberti.

13          BOARD MEMBER ROBERTI: Aye.

14          BOARD SECRETARY: Moulton-Patterson.

15          CHAIR MOULTON-PATTERSON: Aye.

16 Thank you very much. Thank you.

17 And Special Waste, Mr. Leary.

18          MR. LEARY: Good afternoon, Madam Chair, Members  
19 of the Board. My name is Mark Leary with the Special  
20 Waste Division.

21          Agenda Item 17, the status report for the used  
22 oil recycling fund, will be presented by Mr. Bob  
23 Bowden.

24          MR. BOWDEN: Thank you, Mark. Good afternoon,  
25 Board Members.

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1           I think a lot of the background information is  
2 in this item, so just to save some time I'll just rely on  
3 your questions for that, but briefly what we're asking  
4 for is -- what we are providing today is a fund  
5 condition, information and statement and asking for the  
6 Board to approve program allocations and contract  
7 concepts.

8           In the background section we've provided some  
9 information on the Act and also on the structure of the  
10 fund as far as how the fund shall be expended and also a  
11 little bit of narrative on different activities, the  
12 types of grants and the outreach and education aspect of  
13 the program.

14           The one thing I did want to point out about the  
15 outreach and education efforts is that we are following a  
16 Board-approved implementation plan, and most of the  
17 contract concepts, basically all of the contract concepts  
18 and allocations, are following along to try and meet the  
19 goals of that plan.

20           So are there any questions on the program  
21 generically or on the structure of the fund before I get  
22 into the actual fund condition statement?

23           CHAIR MOULTON-PATTERSON: I don't see any.

24           MR. BOWDEN: Okay. So looking at page 17-7,  
25 which is Attachment 1, at the very top of the center

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1 column are the numbers that were provided from the end of  
2 the fiscal year by the Admin Division closing the books  
3 out. Basically on July 1st there was \$29 million in the  
4 fund and \$12 million was encumbered and committed to  
5 prior year expenditures leaving \$17 million against which  
6 the Board has already awarded block grants in July. So  
7 that leaves a little over \$4.5 million cash on hand  
8 available for the current year. Adding to that \$24  
9 million in projected revenue leaves just short of \$29  
10 million for the current year.

11           Below that then in the center grouping are the  
12 primary allocations or appropriations that are made, and  
13 then at the bottom of that middle block is the block  
14 grant allocation, and by statute what's provided is that  
15 half of the monies left after these incentive claims and  
16 other appropriations, one to the Board and one to the  
17 Department in providing for a reserve, half of the funds  
18 that are remaining are available for block grants. So we  
19 are allocating \$11.11 million for block grants and that  
20 leaves \$11.11 million for the subsequent expenditures.

21           There are several appropriations made in the  
22 Budget Act, and after that then the money is available to  
23 the Board solely for these promotional activities and  
24 those are described in the Act. There is a supplemental  
25 funding that the Board has awarded in the past to block

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1 grantees to provide for minimum block grants for small  
2 jurisdictions as well as to collect used oil filters in  
3 conjunction with their used oil programs and it's running  
4 at about \$1.4 million.

5           If you'll see this current year there's a zero  
6 allocation for opportunity grants, and the reason I've  
7 provided two years of display is because we're on a  
8 biennial awards cycle for the opportunity and non-profit  
9 grants mostly for business purposes, but you'll see that  
10 in the next year there is an allocation for opportunity  
11 grants, current year there is an allocation for  
12 non-profit grants, and next year there is not for  
13 non-profit grants.

14           The interesting thing to note is that in the  
15 non-profit grant category I have included the amount, and  
16 the value shown there does include the awards that were  
17 made at the last board meeting and also includes the  
18 amount that you may award in the Item 18 following this  
19 for the B list of the non-profit grants. So those monies  
20 are allocated here.

21           The balance of the column then is \$2.1 million  
22 for the education and outreach activities. There is  
23 money left over at the current year and that rolls into  
24 the next fiscal year. You can follow through the same  
25 appropriation levels and basically the number to note at

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1 the end of next year in the out year is that there's a  
2 zero balance left on this biennial funding cycle and  
3 that's following the statutory guidelines and the targets  
4 for expenditures. We have a \$6.7 million target for the  
5 opportunity grants to meet the expenditure targets by  
6 statute, so we are fulfilling the statutory guidelines on  
7 this biennial cycle that I've shown you with the amounts  
8 available.

9 Are there any questions on the fund condition  
10 before we move into the contract concepts and allocation?

11 CHAIR MOULTON-PATTERSON: I don't see any.

12 MR. BOWDEN: Okay. I'm looking at -- I would  
13 guess it's Table 1. I believe that's 17-5 in the item  
14 going back a little bit.

15 These are allocations that we're asking the  
16 Board to make. These won't be contract concepts because  
17 most of these items are either invoiced directly to the  
18 Board or procured through the state procurement process.  
19 We can go through these briefly.

20 One is the automotive race tracks. There's  
21 three major race tracks where we do advertising  
22 purchases, and these are straight invoice that basically  
23 are for signage, booths if we go that way, track signage.

24 The second group is for more of an open group  
25 because we have multi-jurisdictional venues that we would

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1 like to participate in because it's very difficult to get  
2 local governments to go to large multi-jurisdictional  
3 venues because they don't want to spend their block grant  
4 monies outreaching to people outside their communities.  
5 These are great for cultural events. We need to be more  
6 vigorous in attacking the Hispanic audience with our  
7 outreach materials and we would like to grow into the  
8 soccer and boxing arenas as a new place for us to  
9 outreach to multi-cultural audiences. This also includes  
10 the single A baseball league that we worked with last  
11 year.

12           The next item is the DMV. We've been working  
13 with them for several years now. We have advertisements  
14 in the multi-lingual, the motorcycle driver's handbook,  
15 the driver's handbook as well in four or five different  
16 languages now, and we also have an imprint on the back of  
17 roughly 60 million envelopes for re-registration and  
18 re-licensing for the public. So every DI wire is getting  
19 one of these guaranteed and hopefully they're keeping  
20 that and seeing that message. It is in Spanish as well.

21           Then we have a general allocation for premiums,  
22 certified center signs and a printing budget for  
23 promotional purposes. Most of the premiums are items  
24 that we would give away to a do-it-yourselfer, say a  
25 drain container or a funnel to the farmers if we go to a

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1 farm show. Another significant audience is farmers.

2 The last item on here is the curriculum  
3 dissemination support. The Board's Office of Education  
4 goes out and trains teachers and needs materials printed  
5 and postage and things to support that effort when  
6 they're marketing Earth Resources and CTL curriculum  
7 which both have oil lessons and components within them.

8 Are there any questions on these allocation  
9 items?

10 CHAIR MOULTON-PATTERSON: Mr. Paparian.

11 BOARD MEMBER PAPARIAN: Are you going to go  
12 through some of the rest of the concept stuff in here?

13 MR. BOWDEN: Yes.

14 BOARD MEMBER PAPARIAN: I'll hold off until then.

15 MR. BOWDEN: Okay. Now we can move on to page  
16 17-9 which is Attachment 3. And this table builds up all  
17 of the components of the promotional outreach activities  
18 that I showed you on Attachment 1, the \$2.1 million.

19 So the Board has already approved \$41,000 in  
20 mandatory services, and the proposed allocations in Table  
21 1 are \$750,000. There are then nine contract concepts,  
22 six of which are from the program. One is the continued  
23 effort with the Conservation Corps, for \$400,000. There  
24 is a need for a contract to help again with the  
25 distribution and the training of trainers for the Earth

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1 Resources curriculum.

2 O-3 is a grouping of potential interagency  
3 contracts or agreements with agencies other state  
4 agencies that already are outreaching to potential DIY  
5 segments and we're hoping to work with Caltrans in the  
6 stormwater outreach that they're going to be doing.  
7 Currently we're working with Coastal Commission on boater  
8 outreach and with the off-highway vehicle program from  
9 Parks and Recreation. So we see that as a very  
10 cost-efficient way to outreach to the public.

11 O-4 is an add-on to the current segmentation  
12 study that we're doing. We see a need for local  
13 government survey tool kits to be developed as well as  
14 additional focus groups to be done, new groups that will  
15 be borne out of that segmentation study that's currently  
16 under way.

17 O-5 is the contract for providing our annual  
18 used oil forums or conventions or conferences, and this  
19 dollar figure should provide for two years, once a year  
20 annual meeting.

21 O-6 is one that we're floating out there. We  
22 know there's a great need to do Hispanic outreach and we  
23 hope the results of the segmentation study will be in  
24 really enough that we can award this current year, but it  
25 may not happen until next year.

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1           The next three items or contract concepts are  
2 provided by the Waste Prevention and Market Development  
3 Division. The first two, the product trade show and  
4 CalMAX and WRAP are split funded, and the California  
5 Heartland sponsorship is totally oil funded.

6           Are there any questions on outreach,  
7 allocations and contract concepts?

8           CHAIR MOULTON-PATTERSON: Mr. Paparian.

9           BOARD MEMBER PAPARIAN: I guess this is my time.  
10 The one concern I have, and I expressed this at the  
11 briefing last week, is that we're spending a quarter  
12 million dollars on the focus groups and related  
13 activities to give us good information about how to reach  
14 our target audience, what kind of messages we'll get  
15 across and hopefully what types of venues would be  
16 appropriate to try to reach these target audiences.

17           I would like to hold off on the \$350,000 for the  
18 multi-jurisdictional venues until we have that  
19 information and we know whether a quarter million dollars  
20 to the minor league baseball parks is the right way to  
21 reach our audience we want to reach or whether there may  
22 be something else, some other way of reaching that target  
23 audience.

24           The rest of it really makes sense to me, the  
25 outreach to the Hispanic audiences for \$200,000, and some

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1 of the other activities that are there, but on the  
2 \$350,000 item -- I'm not saying don't spend it. I want  
3 to spend it but I want to make sure we spend it well, and  
4 I think the money we spend on the focus groups will help  
5 us answer the question of where that money could best be  
6 spent.

7 MR. BOWDEN: One thing that should be noted, the  
8 current segmentation study, the contract has three focus  
9 groups that are being done hopefully as we speak, and as  
10 an outcome of those we would like to be able to start  
11 conducting outreach if those tell us, as you were saying,  
12 where and what the message should be. Without these  
13 monies we won't be able to attack those groups that we've  
14 already identified and already conducted focus groups  
15 with.

16 BOARD MEMBER PAPARIAN: But you could come back  
17 to us with the results of the focus groups --

18 MR. BOWDEN: Right.

19 BOARD MEMBER PAPARIAN: -- and make a  
20 presentation next month or in January.

21 MR. BOWDEN: Okay.

22 BOARD MEMBER PAPARIAN: But I'd like -- I'd like  
23 to know what the focus groups are showing before feeling  
24 comfortable that a quarter million dollars for minor  
25 league baseball is the best way to do it and some of the

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1 other things within that \$350,000.

2 CHAIR MOULTON-PATTERSON: Thank you.

3 BOARD MEMBER JONES: Madam Chair.

4 CHAIR MOULTON-PATTERSON: Mr. Jones.

5 BOARD MEMBER JONES: I have a -- just one  
6 question about timing. I think in the briefing and

7 personally, I mean, minor league baseball or not, it  
8 seemed to me that part of the discussion was that that's  
9 where the oil companies were advertising, that's why you  
10 would attack that area. If we don't fund that now, do we  
11 lose an opportunity to get into those ballparks and meet  
12 that audience because whatever day you guys had it, the  
13 River Cats game, I had a few people that were in that  
14 audience who thought it was pretty cool that that  
15 happened. They appreciated that. But do you lose that  
16 opportunity?

17 MR. BOWDEN: We -- I can't speak for every  
18 single team. They're all looking -- most of the single A  
19 teams are looking for a lot of local support, so a lot  
20 depends on timing.

21 For the River Cats I know we will because there  
22 are people literally waiting in line behind us to jump in  
23 and do signage. That last year was the inaugural year.  
24 We were lucky to get in when we did, late, and they're so  
25 popular now that people are chomping at the bit to get in

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1 there. That was probably our biggest venue because they  
2 sold 860,000 seats and had I'm sure well over a million  
3 people viewing on television and the radio. We had  
4 Spanish radio there too, as well as the other baseball  
5 venues we do Spanish radio.

6 The reason baseball is good is for two reasons.  
7 Yes, we did bring up the media issue. We know Pennzoil  
8 and these other people are advertising at these events  
9 and it's mostly because the younger males are typically  
10 associated with do-if-yourselfers working on their cars  
11 and younger males are at these sporting events. So that  
12 matches there. So it's somewhat of a no-brainer. What  
13 it comes down to is what is the effective message and how  
14 much should we be on radio, on print, what should we be  
15 doing there.

16 We tried baseball last year and I think it was  
17 very effective because a lot of the single A teams are in  
18 jurisdictions that are poorly served and just aren't  
19 doing much. We're talking Lancaster and Palmdale.  
20 Stockton is bigger but a lot of these single A teams are  
21 really in these communities that need more support. So  
22 we saw that as a way to get that.

23 The other important thing to bring up is what  
24 was brought up before by Mr. Paparian was that we want to  
25 make sure all of these venues that we're working in are

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1 recycling, are green, and we've come to find out that  
2 every single A baseball team and the River Cats are  
3 grasscycling. That's a huge amount of waste when you  
4 look at the size of the field. That's a huge diversion  
5 there that could have been thrown away.

6           We also are working with all of the single A  
7 team owners and they've made a pledge to do more than  
8 what they're doing and most all of them are doing  
9 cardboard and glass. They want to do more. They see  
10 this as a way to help out their local jurisdictions.

11           The other important thing to point out is at  
12 River Cats we were lucky to get two promotional nights  
13 rather than just one and the second night we promoted  
14 grasscycling. I had a mower give-away and got a lot of  
15 good promotion out of that.

16           That's what I wanted to bring up is that we're  
17 not just tunnel vision on oil. We are trying to embrace  
18 the greater board, green procurement and the greater need  
19 for diversion and recycling on our coattails as we're out  
20 at these venues. So there is a secondary benefit not  
21 just attacking the DIY because we recognize it's not a  
22 pure DIY audience, similar to the race tracks where it's  
23 very rich.

24           BOARD MEMBER JONES: And my second question is  
25 on the California Conservation Corps that's been an

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1 ongoing thing, how many years funding is this \$400,000?

2 MR. BOWDEN: This is a single year every year  
3 now. Last year it was \$400,000. This is an annual  
4 amount.

5 BOARD MEMBER JONES: They used to have to fight  
6 for \$150,000. That's a good program.

7 MR. BOWDEN: We'll bring the scope of work and  
8 award to the Board for approval for that sometime in the  
9 winter and spring so you'll have a shot at that one if  
10 you need it.

11 CHAIR MOULTON-PATTERSON: Thank you.

12 Mr. Paparian, did you want to make the motion?

13 BOARD MEMBER PAPARIAN: What I would like to do  
14 is move Resolution 2000-455 for approval of the proposed  
15 allocations and concepts in consulting and professional  
16 services contracts with the exception of the \$350,000  
17 contract concept that I described.

18 CHAIR MOULTON-PATTERSON: We have a motion by  
19 Mr. Paparian.

20 BOARD MEMBER ROBERTI: Second.

21 CHAIR MOULTON-PATTERSON: Seconded by Senator  
22 Roberti to approve Resolution 2000-455 with this  
23 amendment.

24 Please call the roll.

25 BOARD SECRETARY: Jones.

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1           BOARD MEMBER JONES: No.

2           BOARD SECRETARY: Medina.

3           BOARD MEMBER MEDINA: Aye.

4           BOARD SECRETARY: Paparian.

5           BOARD MEMBER PAPARIAN: Aye.

6           BOARD SECRETARY: Roberti.

7           BOARD MEMBER ROBERTI: Aye.

8           BOARD SECRETARY: Moulton-Patterson.

9           CHAIR MOULTON-PATTERSON: Aye.

10          Okay.

11          MR. BOWDEN: Thank you.

12          CHAIR MOULTON-PATTERSON: Thank you.

13          Number 18.

14          MR. LEARY: Agenda Item 18 builds right from

15 agenda Item 17. It's a follow-up of an agenda item last

16 month in the non-profit used oil grant awards and will be

17 presented by Mr. Steven Hernandez.

18          MR. HERNANDEZ: Thank you, Mark. Good

19 afternoon, Chairwoman and Board Members. My name is

20 Steven Hernandez. I'm with the Used Oil Grant

21 Certification Section.

22          As you may recall, at the October 17th, 2000

23 board meeting, the Board approved grant awards for the

24 ten highest ranking applications at that time. The Board

25 requested staff to return with recommendations to fund

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1 additional passing applications when the funding is  
2 available.

3           Based on the current fund condition, funding is  
4 available for the remaining ten applications that  
5 received passing scores. The total recommended amount  
6 for these ten applications is \$1,459,000 approximately.  
7 This -- these ten grants are broken down. Five are in  
8 the Southern California area, one is northern California  
9 area, one in the central area and three are statewide.  
10 When you look at the total, this ten with the prior ten,  
11 we have eight in southern California, seven in northern  
12 California and five statewide regional.

13           Staff recommends Board approval of option number  
14 one and adoption of Resolution number 2000-405.

15           Do you have any questions?

16           CHAIR MOULTON-PATTERSON: Thank you,  
17 Mr. Hernandez.

18           Mr. Paparian.

19           BOARD MEMBER PAPARIAN: Just a quick one.  
20 Several of these grants rely on the 1-800-cleanup line.  
21 And I don't know if this is the right place to ask this  
22 question, but do we have any way of monitoring the  
23 effectiveness of the use of the 1-800-cleanup line?

24           MR. HERNANDEZ: My understanding is that 1-800  
25 is starting to develop on a statewide basis that

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1 monitoring capability and they're starting to do that,

2 but it's not fully implemented at this time.

3 BOARD MEMBER PAPARIAN: Separately. I'm  
4 interested in how -- whether they're getting a lot of  
5 calls based on what we're doing in terms of outreach.

6 MR. HERNANDEZ: Some are just starting to do  
7 that right now is my understanding.

8 BOARD MEMBER PAPARIAN: Thanks.

9 CHAIR MOULTON-PATTERSON: Thank you.

10 BOARD MEMBER JONES: Madam Chair.

11 CHAIR MOULTON-PATTERSON: Mr. Jones.

12 BOARD MEMBER JONES: I'll move adoption of  
13 Resolution 2000-405.

14 CHAIR MOULTON-PATTERSON: I'll second it.

15 Motion by Mr. Jones, seconded by  
16 Moulton-Patterson to approve Resolution 2000-405.

17 Secretary, please call the roll.

18 BOARD SECRETARY: Jones.

19 BOARD MEMBER JONES: Aye.

20 BOARD SECRETARY: Medina.

21 BOARD MEMBER MEDINA: Aye.

22 BOARD SECRETARY: Paparian.

23 BOARD MEMBER PAPARIAN: Aye.

24 BOARD SECRETARY: Roberti.

25 BOARD MEMBER ROBERTI: Aye.

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1 BOARD SECRETARY: Moulton-Patterson.

2 CHAIR MOULTON-PATTERSON: Aye.

3 Number 19.

4 MR. HERNANDEZ: Thank you.

5 MR. LEARY: Agenda Item 19, consideration of  
6 approval of the grant awards for the Playground Safety  
7 and Recycling Grant Act and it will be presented by  
8 Ms. Martha Gildart.

9 MS. GILDART: Good afternoon, Board Members.  
10 This is the grant program that is available to public  
11 schools and it is funded with the \$2 million from  
12 Proposition 98 education funds. Staff is recommending on  
13 this item to award funds to 90 out of the 394 qualified  
14 applications for a total of \$1,995,009.

15 If you'll remember, at the February 23rd meeting  
16 the Board approved the fund distribution, applicant and  
17 project eligibility and scoring criteria, and then in its  
18 March 22nd meeting the Board approved the evaluation  
19 process for these grant applications.

20 In April 2000, staff distributed the Notice Of  
21 Funds Available to almost 8,000 interested parties and it  
22 was posted on the Board's web page. As of the due date  
23 of June 30th we have received 397 applications, two of  
24 which were disqualified and one which withdrew leaving us  
25 with 394 applications to review. At that point we sort

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1 of put out an emergency bulletin to all the boards and  
2 departments and offices requesting staff assistance. We  
3 had to put together 13 scoring panels composed of 39  
4 Board staff. So you can see it was quite a drain on  
5 Board activities.

6           We held three benchmark training meetings so  
7 that all those staff had a chance to learn about the  
8 criteria and the evaluation processes adopted by the  
9 Board. At the same time the Grants Administration Unit  
10 and the Administration Division selected ten applications  
11 for blind review which were then distributed to the  
12 panels, obviously unknown to them. The panels met with  
13 their chairs and with the grant program manager to  
14 discuss each and every grant application and gave a  
15 scoring and ranking to those applications.

16           The Grants Administration Unit then looked at  
17 the ten blind review applications and met with the  
18 program manager and grant manager to discuss those  
19 applications which appeared to have some anomalies.  
20 Those applications that fell within three points of the  
21 pass-fail score of 63 were examined closely and any  
22 scoring differences discussed with various panel members  
23 and a few of them were rescored. This was partly because  
24 so many of the applications were submitted from the same  
25 school districts and would be very similar in their

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1 structure and we wanted to make sure that they had  
2 thorough review.

3           Of the 394 qualified applications, 213 received  
4 a passing score. These totaled funding requests of  
5 \$4,767,307, quite a bit more than the \$2 million  
6 available. At this point we invoked the Board's approved  
7 random number selection process where the grants were --  
8 the grant applications were divided between the northern  
9 and southern California sections of the state and then  
10 random numbers used -- assigned to them and selected so  
11 that 36 applications from northern California and 54  
12 applications from southern California were selected and  
13 are shown on Tables 1-A and 1-B as the recommended  
14 funding grants for this cycle.

15           There are two corrections to the table that the  
16 public may have received. On Table 1-A there was a typo  
17 showing one grant matching at \$250,000 and that was  
18 \$25,000, and on Table 1-C in San Joaquine County one of  
19 the schools was listed twice and the correction is for  
20 Live Oak. Those did not change anything in the  
21 recommendation.

22           So at this point if there are any questions, I  
23 would be happy to answer them.

24           CHAIR MOULTON-PATTERSON: I would certainly like  
25 to thank staff for going through all those 394

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1 applications. I understand that must have been a huge  
2 job and thank you so much for doing such good work on  
3 this. I have a question, but any other questions before?

4 My question would be since the playground mats  
5 are made from tires, is there any possibility or could  
6 you look into it that SB 876 money that's earmarked for  
7 market development could be used in the future to fund  
8 those applications that passed but were not randomly  
9 picked? Is that a possibility?

10 MS. GILDART: That included tire mats are you  
11 saying?

12 CHAIR MOULTON-PATTERSON: Um-hum.

13 MS. GILDART: I think we could do it. Certainly  
14 when we come back to the Board with some of the  
15 allocation recommendations I know we hoped to continue  
16 with the grant program for the mats. This might be a way  
17 of actually picking some recipients in a faster method.

18 CHAIR MOULTON-PATTERSON: Thank you for looking  
19 into that.

20 BOARD MEMBER MEDINA: I had a question.

21 CHAIR MOULTON-PATTERSON: Mr. Medina.

22 BOARD MEMBER MEDINA: I just saw one project for  
23 San Francisco that was selected. I wondered if you could  
24 tell me how many applications you received from San  
25 Francisco.

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1           MS. GILDART: I have a few sheets of paper to  
2 look through here. Just a second. I think it was only  
3 one with a passing score.

4           BOARD MEMBER MEDINA: And how many were  
5 submitted?

6           MS. GILDART: I believe just the one. That's  
7 all that shows up. Apparently we received only one  
8 application from San Francisco.

9           BOARD MEMBER MEDINA: That's puzzling to me  
10 because I had made staff note that there was one school  
11 in San Francisco that seriously needed and they're not  
12 even -- either -- they're not even -- they only had one  
13 and I know the need in the City and County of San  
14 Francisco and yet they only received one application.

15           So that means they either did not know of this  
16 program, did not avail themselves of this program, or for  
17 some reason they did not clearly understand the criteria  
18 for submitting an application. So I would appreciate it  
19 if you would look into that and give me a report.

20           MR. LEARY: We'll certainly follow up,  
21 Mr. Medina. As Martha mentioned, over 8,000 Notices Of  
22 Funds Available went out. So we can also identify how  
23 many of those went to school districts or schools within  
24 the City and County of San Francisco and get back to you  
25 with that also.

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1           MS. GILDART: There were several schools that  
2 submitted multiple applications. So that was something  
3 we had expected.

4           MR. LEARY: We also have another year's  
5 opportunity through this cycle. It has its positives and  
6 its negatives as you might imagine, but we can make a  
7 special effort to reach the City and County --

8           MS. GILDART: The next grant award will be the  
9 Park Bond Playground Grant for which a school could  
10 qualify if they partner with a park district. There's a  
11 possibility there.

12          CHAIR MOULTON-PATTERSON: So would that apply?  
13 You know how some schools are built with parks? That  
14 would be an example.

15          MS. GILDART: Because the funding comes through  
16 the Park Bond, the applicant has to be one park district  
17 but it could be a playground that is used by a school and  
18 that the school partners with the district to show the  
19 qualifications on the recycled content product  
20 procurement or the actual upkeep of the playground or the  
21 mat requirement. So there are ways of accepting the  
22 contributions from the school even though the park  
23 district is the one who needs to be the actual applicant.

24          BOARD MEMBER JONES: Madam Chair.

25          CHAIR MOULTON-PATTERSON: Mr. Jones.

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1           BOARD MEMBER JONES: I'll move adoption of  
2 Resolution 2000-454 with all of these cities totaling  
3 \$1,995,009.

4           CHAIR MOULTON-PATTERSON: I will second that.

5           So we have a motion by Mr. Jones, seconded by  
6 Moulton-Patterson, to approve Resolution 2000-454.

7           Please call the roll.

8           BOARD SECRETARY: Jones.

9           BOARD MEMBER JONES: Aye.

10          BOARD SECRETARY: Medina.

11          BOARD MEMBER MEDINA: Aye.

12          BOARD SECRETARY: Paparian.

13          BOARD MEMBER PAPARIAN: Aye.

14          BOARD SECRETARY: Roberti.

15          BOARD MEMBER ROBERTI: Aye.

16          BOARD SECRETARY: Moulton-Patterson.

17          CHAIR MOULTON-PATTERSON: Aye.

18          Thank you, Mr. Leary, and I would like to take  
19 our afternoon break for ten minutes now please.

20          (Recess taken)

21          CHAIR MOULTON-PATTERSON: I would like to call  
22 the meeting back to order.

23          We're into our Waste Prevention and Market  
24 Development, Number 21. Ms. Wohl.

25          MS. WOHL: Yes. Patti Wohl, Waste Prevention

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1 and Market Development Division.

2 Item 21 is consideration of approval of KVIE as  
3 contractor for the California Heartland sponsorship  
4 contract, fiscal year 2000-2001 used oil Contract Concept  
5 Number 18, and Judy Friedman is here to present.

6 MS. FRIEDMAN: Good afternoon, Madam Chair and  
7 Board Members. For the record, I'm Judy Friedman from  
8 the Waste Prevention and Market Development Division.

9 This item requests the Board to approve KVIE,  
10 Inc. as contractor to highlight the Board as a featured  
11 sponsor on a weekly public television series, California  
12 Heartland. This item is a partnership between the used  
13 oil program and the organic materials management program  
14 with contract dollars and consultant services to be  
15 provided by the used oil recycling program and contract  
16 management resources provided by OMF.

17 This is an extension of the existing partnership  
18 between the two programs that have worked cooperatively  
19 on the farm show circuit. This series reaches 1 million  
20 viewers each week and provides direct access to the  
21 agricultural community, one of the Board's primary  
22 targets for recycling used oil, as well as for increasing  
23 compost and mulch use. This show is highly popular with  
24 urban audiences as well.

25 The contract requires that KVIE provide the

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1 services including the following: Design of a new  
2 ten-second on-air credit that recognizes the Board and  
3 provides the web address and the toll free 1-800-cleanup  
4 number -- this credit will be shown on each show during  
5 the 2000-2001 season; a web page on the Cal Heartland web  
6 site with links to our web site; use of programs or  
7 featured stories from the show for non-broadcast  
8 educational and promotional initiatives as well as use of  
9 the show's logo; use of on-air talent for Board events  
10 and presentation of a workshop to provide training on  
11 techniques to incorporate videotapes into presentations  
12 and other media public relation tools to enhance the  
13 value of the association with this series.

14           Staff will continue to provide suggestions for  
15 stories to be featured on the show. Last year there were  
16 eight shows that featured stories concerning Board  
17 issues. Board staff originally suggested six of those  
18 shows. If the Board approves this contract, staff has  
19 drafted a list of story suggestions including five new  
20 used oil-related stories.

21           Staff recommends that the Board approve KVIE,  
22 Inc. as contractor and adopt Resolution 2000-464.

23           Before I close, I want to let you know that  
24 Mr. Bob Vice, consultant to KVIE, Inc., is here to answer  
25 any questions that you might have. In addition, I would

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1 like to acknowledge and thank Pat Jones of my staff who  
2 has done an outstanding job at managing this contract for  
3 the Board. Pat couldn't be here today since she recently  
4 began her retirement from state service.

5 With that, are there any questions?

6 CHAIR MOULTON-PATTERSON: Please let Pat know  
7 how much she will be missed and she's done a great job on  
8 this.

9 Any questions or comments?

10 BOARD MEMBER JONES: Madam Chair.

11 CHAIR MOULTON-PATTERSON: Mr. Jones.

12 BOARD MEMBER JONES: I'll move adoption of  
13 Resolution 2000-464, consideration of approval of KVIE as  
14 contractor for California Heartland sponsorship in the  
15 amount of \$100,000.

16 BOARD MEMBER MEDINA: Second.

17 CHAIR MOULTON-PATTERSON: Moved by Mr. Jones,  
18 seconded by Mr. Medina, to approve Resolution 2000-464.

19 Please call the roll.

20 BOARD SECRETARY: Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Medina.

23 BOARD MEMBER MEDINA: Aye.

24 BOARD SECRETARY: Paparian.

25 BOARD MEMBER PAPARIAN: Aye.

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1           BOARD SECRETARY: Roberti.  
2           BOARD MEMBER ROBERTI: Aye.  
3           BOARD SECRETARY: Moulton-Patterson.  
4           CHAIR MOULTON-PATTERSON: Aye.  
5           Thank you. Item 22.  
6           MS. WOHL: Item 22, update on the Recycling  
7 Market Development Revolving Loan Program leveraging  
8 option, and Jim La Tanner is here to present an oral  
9 status report on the working group.  
10          CHAIR MOULTON-PATTERSON: Thank you.  
11          Mr. La Tanner.  
12          MR. LA TANNER: Good afternoon. My name is Jim  
13 La Tanner. I'm the Supervisor for the Recycling Market  
14 Development Revolving Loan Program.  
15          Item 22 is an oral presentation. At the  
16 September 19-20, 2000 board meeting during discussion of  
17 Agenda Item 7, the Board Members decided and directed  
18 that a work group be formed to identify leveraging  
19 options that might provide alternative sources of funding  
20 for the Recycling Market Development Program.  
21          The RMDZ leveraging work group has been formed.  
22 The members consist of Board Member offices -- Linda  
23 Moulton-Patterson and Steve Jones -- other Board staff  
24 and outside the Board Recycling Market Development Zone  
25 Administrators.

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1           The work group met on October 10th and again on  
2   October 31. The work group identified two primary goals,  
3   the first being short-term leveraging options and the  
4   second being long-term leveraging options. Additional  
5   input and discussion occurred at the RMDZ workshop held  
6   on November 2nd and 3rd that was attended by 22 of the 40  
7   Zone Administrators.

8           The short-term recommendations of the RMDZ  
9   leveraging work group will be presented to the Board at  
10  the January 23-24 board meeting. The January agenda item  
11  will present for Board consideration the leveraging  
12  options of selling some of the current RMDZ loan  
13  portfolio, and a second option to consider participating  
14  with another lender to jointly fund loans.

15           This concludes my oral presentation to the Board  
16  on the leveraging work group for the loan program. Are  
17  there any questions?

18           CHAIR MOULTON-PATTERSON: I would just like to  
19  thank the working group and especially Board Member Jones  
20  for spending so much time on this very, very worthwhile  
21  endeavor. And I very much enjoyed meeting a lot of the  
22  RMDZ administrators down in Santa Monica, really positive  
23  and you're all doing a great job. Thank you.

24           BOARD MEMBER JONES: Madam Chair.

25           CHAIR MOULTON-PATTERSON: Mr. Jones.

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1           BOARD MEMBER JONES: I want to thank the staff  
2 and the RMDZ administrators who have been coming up to  
3 these meetings. They've been productive meetings. We're  
4 looking at a lot of options.

5           But I want to thank you, Madam Chair. I was  
6 supposed to go down and give this little discussion in  
7 Santa Monica and couldn't make it, and I appreciate the  
8 Chairman pinch-hitting for me and I heard you did a great  
9 job and I appreciate that. And we'll get this thing --  
10 when it comes back to the Board, hopefully we'll have it  
11 in a way that the Board Members can understand what those  
12 options are, what the dollar availability will be, and  
13 how a combination of a couple of these options will  
14 hopefully be able to give us -- hopefully we'll be able  
15 to structure this in a way that we can see how many years  
16 this program can continue and what rate based on these  
17 options and make a decision based on the facts.

18           CHAIR MOULTON-PATTERSON: Thank you. Thank you  
19 for your report.

20           Item 23.

21           MS. WOHL: Item 23 is consideration of approval  
22 for methodologies for calculating and polyethylene  
23 terephthalate recycling rates for 2000 and future years.  
24 I think that's the one time you can use the acronym on  
25 PETE.

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1           John Nuffer is going to give us just an  
2 introduction here and then we're going to turn over the  
3 presentation to Sue Ingalls.

4           MR. NUFFER: Thank you, Madam Chair and Board  
5 Members. Sue will do the presentation today, but I  
6 wanted you to know that we've passed the agenda item by  
7 the interested parties at one of our regular monthly  
8 meetings a couple of weeks ago and also we've shown the  
9 agenda item to the Department of Conservation staff.

10           The DOC staff are comfortable with the agenda  
11 item. The interested parties had no comments at the  
12 meeting, but we received a letter from Patti Moore of  
13 Moore Recycling Associates a couple days ago. She had  
14 two concerns.

15           One of the concerns was about the data the DOC  
16 will be gathering and the data we will be gathering.  
17 We've revised one of our sentences in the resolution to  
18 address her concern. Her other concern was that we're  
19 recommending not doing a second benchmark or reclaimer  
20 survey. Normally we do two surveys. The second survey  
21 is essentially to act as a check on the first one. They  
22 would like us to do a reclaimer survey. We're  
23 recommending we do not based on the fact that we'll be  
24 getting better data from DOC.

25           We'll be happy to talk about those comments a

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1 little later and I'll turn it over to Sue right now.

2 MS. INGALLS: Thank you. Good afternoon, Madam  
3 Board Chair and Board Members.

4 We're here recommending the Board adopt  
5 Resolution 2000-465. The purpose of this item is to  
6 normalize the process for calculating the annual RPPC  
7 rates. We would also like to initiate a discussion for  
8 estimating a prospective RPPC rate.

9 We'll start with the standardizing the rate  
10 calculation process. This item has four options and it's  
11 set up in a menu format. We are asking the Board it  
12 adopt the combined staff recommendations on the RPPC  
13 recycling rate calculation methodology on improvements to  
14 the plastic recycling surveys, on scheduling the waste  
15 characterization studies, and on standardizing time lines  
16 for presenting the annual rates.

17 The first option is the RPPC rate calculation  
18 methodology. The Board adopted the 1995 through the 1999  
19 RPPC recycling rates. These rates were calculated using  
20 the same methodology each year. There are two RPPC  
21 recycling rates. One is the all-container recycling rate  
22 and the other is the PET recycling rate. The methodology  
23 was adopted by the Board in April of 1998. Staff  
24 recommends option 1-A which is no change to the current  
25 methodology for calculating these annual rates.

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1           The second option is about the recycling data  
2 collection process. In the past the recycling data was  
3 obtained by surveying over 230 processors for their  
4 plastic RPPCs that they bailed and shipped from their  
5 facility. There was also a benchmark survey performed of  
6 approximately 110 reclaimers, and these are companies  
7 that grind, flake and pelletize plastics. All facilities  
8 report their California RPPCs of the number 1 plastic or  
9 PET, the number 2 plastic or HTPE and the mixed resins,  
10 which are typically 3 through 7, and we've brought with  
11 us some examples that you can see with the numbers on  
12 them to show what typical RPPCs represent.

13           In the past the Department of Conservation  
14 collected data on just the number 1 or PET plastic.  
15 Since the enactment of SB 332 as of January 1st, 2000,  
16 this expanded DOC's responsibilities to include CRV and  
17 non-CRV the plastics of the number 2. With DOC's  
18 cooperation, Board staff would have access to audited  
19 data for approximately 95 to 98 percent of the data that  
20 was previously gathered through the processors survey.

21           The remaining non-CRV containers, or the 3  
22 through 7, which are not in DOC's program including tubs  
23 and buckets between eight ounces and five gallons need to  
24 be determined by either conducting a survey or  
25 estimating. Board staff recommend with DOC's staff

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1 coordination to survey plastic processors in California  
2 for the remaining 3 through 7 volumes. This will save  
3 the Board considerable staff time while improving the  
4 reliability of this data. This would eliminate the need  
5 to conduct a reclaimer survey or the benchmark survey.  
6 We recommend option 2-A to streamline the recycling data  
7 collection.

8           The third option concerns the gathering of  
9 disposal data through the waste characterization studies.  
10 Contractors in the past conducted surveys in 1990, 1995  
11 and 1999. The waste characterization data determines the  
12 tons of RPPCs disposed and is necessary for calculating  
13 the annual recycling rates. Staff propose option 3-D  
14 which is to perform a waste characterization study every  
15 four years with the next study being conducted in the  
16 year of 2003. The Board will need to consider funding  
17 for future studies.

18           The fourth option relates to timing of the  
19 annual calculation. In the past there's not been a set  
20 schedule for calculating the recycling rates and  
21 presenting these rates to the Board. We'd like to  
22 normalize this process and present them on a regular  
23 schedule. Staff recommend option 4-A to calculate the  
24 rates during the first half of the year and present them  
25 to the Board in July of each year. This is contingent of

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1 course on the Board's disposal data and DOC's recycling  
2 data availability.

3           Staff recommend combining options 1-A, 2-A, 3-D  
4 and 4-A of this agenda item. These combined options  
5 would not change the current methodology used to  
6 calculate the annual recycling rates. Board staff would  
7 use DOC's audited data for the number 1 PET plastic and  
8 HTPE plastic and they would survey California processors  
9 for the remaining mixed resins that would need to be  
10 captured. This would allow the staff to conduct a waste  
11 characterization study every four years beginning in  
12 2003, and finally it would require staff to present the  
13 RPPC rates annually to the Board each July.

14           The final portion of this item is to initiate a  
15 discussion on estimating a perspective rate. Staff  
16 considered several options. Although this is not  
17 required by statute, it would assist industry planning  
18 for compliance as it would be used as an advisory tool  
19 only. This would not replace the actual rate  
20 calculations.

21           This has been requested by members of the RPPCs'  
22 interested parties and attendees at the recent RPPC  
23 conference sponsored by the Board. Since there is no  
24 current methodology developed and tested for each of  
25 these options, examples have been given for explanation

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1 purposes only. Staff would like to test the options on  
2 each of these.

3           The first option would estimate a specific  
4 annual rate. For example, we would estimate a single  
5 rate for 2002 to be 23.2 percent. The second option  
6 would project specific rates for two, three, four or five  
7 years away. For example, this option would estimate that  
8 the rate in 2004 would be 26 percent.

9           The third option would estimate annual ranges an  
10 example of this would be estimating the range for 2002 to  
11 be between 18 and 20 percent. The fourth option would  
12 project trends up or down. An example of this would be  
13 projecting the rate is going up over the next five years.

14           The final option would forecast a rate increase  
15 or decrease using the 25 percent recycling rate  
16 threshold. An example of this would be saying that the  
17 recycling rate would be above 25 percent in the year  
18 2002. At the end of this presentation we would like your  
19 feedback on estimating a future rate.

20           In conclusion, the Board staff recommend  
21 adopting Resolution 2000-465 which would standardize the  
22 RPPC rate calculation and direct staff to estimate a  
23 future rate for 2001.

24           We will be happy to answer any questions.

25           CHAIR MOULTON-PATTERSON: Thank you. We have

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1 one speaker. Did you have a question, Mr. Paparian?

2 BOARD MEMBER PAPARIAN: Yes, to clarify. So the  
3 4 through 7 you're getting information from the recyclers  
4 out there?

5 MS. INGALLS: 3 through 7.

6 BOARD MEMBER PAPARIAN: 3 through 7 currently.  
7 What do you -- what happens if someone's got a shipping  
8 container full of this stuff and it's going to go off  
9 somewhere and we don't even know where? Is that going to  
10 be considered recycled? If they say that they're sending  
11 it to be recycled in a foreign country.

12 MS. INGALLS: Yes. That would be considered  
13 recycled, whether it goes overseas to the Pacific Rim or  
14 it's recycled within the U.S., it's still recycled. The  
15 only thing we do not count is if it goes to a landfill.

16 BOARD MEMBER PAPARIAN: But we have no way of  
17 verifying whether some portion of it may be going to a  
18 landfill in a foreign country or are we asking under  
19 penalty of perjury or anything like that?

20 MS. INGALLS: No. In the past we haven't had a  
21 problem with these containers going to a landfill. The  
22 number 1 and 2 plastics, there is a market for those  
23 plastics. It's the 3 through 7 that -- my understanding  
24 has been most of them are going to the Pacific Rim.

25 BOARD MEMBER PAPARIAN: Do we have any

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1 information about what's really happening to them once  
2 they leave this country, the 3 through 7s?

3 MR. NUFFER: Yeah. Some of our information  
4 indicates that like, for example, PET, the soda bottles,  
5 we've been hearing that 95 percent of that is now going  
6 to China and Mexico and Canada and other places, and in  
7 China, for example, is replacing cotton and making  
8 clothing out of it in replace of using cotton.

9 BOARD MEMBER PAPARIAN: What about the 3 through  
10 7s? If those are --

11 MS. INGALLS: I think they're sorting them  
12 overseas and using cheap labor to sort and separate the  
13 different commodities, the polypropylene, the polystyrene  
14 versus the PET, and I think that's why most of it is  
15 going overseas is that it's not cost-effective to sort  
16 those items here.

17 BOARD MEMBER PAPARIAN: Okay. Thanks.

18 CHAIR MOULTON-PATTERSON: Mr. George Larsen.

19 MR. LARSEN: Thank you, Madam Chair, Members.  
20 If I may before my testimony -- I'm here representing  
21 American Plastics Council by the way. I'd like to, if I  
22 can, make a comment on Mr. Paparian's question.

23 I think it's important to recognize that -- I  
24 think your statement was sent off to these various places  
25 and they're not well defined. Any time material is

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1 shipped, it's shipped as a result of a procurement  
2 activity going on, so somebody is paying for material,  
3 supplies, to recycle them and the fact that they're going  
4 to the Far East only indicates that somebody must incur  
5 not only the purchase price but the transportation cost  
6 to get them somewhere. So I don't want to come to a  
7 final conclusion on and make an assumption that they have  
8 a plan to use that materials, but I think they have a  
9 plan to use that material and that's what happens.

10           For the 1s and 2s, obviously as you're watching  
11 the markets now, it's the highest price for 1s and 2s  
12 that it's been in history and it's a very strong market,  
13 and as a result we're experiencing short supplies in the  
14 domestic side because the demand is so high. And in the  
15 Far East they out bid basically for the bails and on the  
16 spot market, which is generally where the prices are  
17 notably higher, that's where a lot of that material is  
18 ending up going.

19           So there's a lot of dynamics here, but it's  
20 being shipped off and bailed to an end user. It's being  
21 paid for and transportation costs are being incurred. So  
22 I assume it's a commodity for use.

23           BOARD MEMBER PAPARIAN: I hope that's the case,  
24 but my concern would be whether they do cull the material  
25 and then reuse some of it and don't reuse some of it.

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1           MR. LARSEN: I'm certain they don't use all of  
2 it anymore than we, unfortunately, don't use all of it  
3 here. There are certain situations where material  
4 doesn't reach the marketplace, but the 1s and 2s carry  
5 the load. 98 percent of the bottles manufactured for  
6 sale in California, period, in the industry are made out  
7 of 1s, PETs, or 2s, HDPEs.

8           First to get to the presentation, I appreciate  
9 the work done by staff and I'd like to say that on behalf  
10 of American Plastics Council we support the  
11 recommendations, recommendation number one. I'll go  
12 through each recommendation to make a comment.

13           We think consistency in the methodology is very  
14 critical and the Board has adhered to this principal of  
15 consistency over the years. And while development of the  
16 methodology for calculation is one thing, all the rest of  
17 the agenda item and discussion is how to gather  
18 information and data to plug into that formula.

19           So let's set the formula aside and say we're in  
20 agreement on that. I also appreciate the inclusion, as  
21 Mr. Nuffer indicated, of the language submitted by Patti  
22 Moore. We feel that this clears up and gives a much more  
23 thorough analysis of how containers included now in the  
24 RPPC law as a result of Senate Bill 332 will be more  
25 accurately accounted for.

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1           On the issue of the elimination of the reclaimer  
2 survey, I'm not sure that the elimination is really  
3 offset by the collection and the process for the  
4 collection of data as a result of the new processes  
5 resulting in 332. There was a time when these  
6 discussions were -- very ardent discussions about the  
7 necessity for benchmarking data. It was an absolute  
8 principal. It might have been a policy made in antiquity  
9 as a result, referred to earlier, but it was a discussion  
10 and a policy that was developed and I think it was there  
11 for a very specific purpose. I would be concerned that  
12 the elimination of the reclaimer survey will lead to less  
13 reliable data.

14           I commend staff's creativity in recommending  
15 some forward-looking approaches such as are outlined in  
16 number five of the options on page 23-3, and I would like  
17 your presentation too, Sue, and if we're in agreement  
18 that we have 26 percent projected for 2004 and we're over  
19 25 percent for 2002, we're here to sign on right now.

20           (Laughter)

21           MR. LARSEN: But in fact, there's really no  
22 statutory basis today for this forward-looking approach.  
23 If you do that, which I think is the way the law ought to  
24 go, then you would still be saddled with the existing  
25 statute that will require you to go back and count what

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1 may or may not have happened several years ago.

2           So we're talking about the right thing. How we  
3 get there I'm not sure, but we're in agreement that we  
4 have to be projecting this thing forward and allowing the  
5 regulated community an opportunity to respond in advance  
6 and then go measure what the response was.

7           I guess we'll continue to accept the outcomes of  
8 the process. Actually you don't have much of a choice.  
9 We promise not to request a manual recount --

10           (Laughter)

11           MR. LARSEN: -- if we don't agree with the  
12 outcome, but there isn't much alternative. All I can  
13 kind of assert now is that really not one additional  
14 rigid plastic packaging container has been recycled as a  
15 result of SB 235. I think all that's been accomplished  
16 is bringing companies forward for either penalties or  
17 compliance actions for actions they did not take years  
18 before they were brought -- this program was brought to  
19 their attention.

20           Fundamentally, I don't know that any of the  
21 recommendations, however creative they are, can fix a  
22 flawed law and we have a flawed law in California. We at  
23 the meeting of the interested parties had very, I  
24 thought, productive discussions on approaching the  
25 revision of the law in such a manner as we could -- that

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1 industry and the Board and everyone who has an interest  
2 in this law can see some positive results come out of it,  
3 but today we're supporting certain actions that the staff  
4 is recommending in this agenda item, but we really don't  
5 think that, as creative as they are, it's going to make a  
6 significant difference in what is the fundamental  
7 underlying problems, which is the law.

8 With that, I would be glad to take any  
9 questions.

10 CHAIR MOULTON-PATTERSON: Any questions for  
11 Mr. Larsen? Thank you, Mr. Larsen.  
12 Board.

13 BOARD MEMBER JONES: Madam Chair.

14 CHAIR MOULTON-PATTERSON: Mr. Jones.

15 BOARD MEMBER JONES: I'm going to move adoption  
16 of Resolution 2000-465 revised. Okay. I don't know that  
17 it's titled that, but I think that we have one and this  
18 is a change, so to include those four, 1-A, 2-A, 3-D and  
19 4-A, and that would be my motion.

20 CHAIR MOULTON-PATTERSON: Okay. Motion by  
21 Mr. Jones, seconded by Moulton-Patterson, to approve  
22 Resolution 2000-465, the revised edition, with  
23 recommended options, staff recommended options.

24 Please call the roll.

25 BOARD SECRETARY: Jones.

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1           BOARD MEMBER JONES:   Aye.

2           BOARD SECRETARY:   Medina.

3           BOARD MEMBER MEDINA:   Aye.

4           BOARD SECRETARY:   Paparlian.

5           BOARD MEMBER PAPARIAN:   Aye.

6           BOARD SECRETARY:   Roberti.

7           BOARD MEMBER ROBERTI:   Aye.

8           BOARD SECRETARY:   Moulton-Patterson.

9           CHAIR MOULTON-PATTERSON:   Aye.

10          Thank you.

11          BOARD MEMBER JONES:   Madam Chair.

12          CHAIR MOULTON-PATTERSON:   Mr. Jones.

13          BOARD MEMBER JONES:   Staff had asked on Item 5,

14   I guess, for a little guidance from the Board, but I'm

15   not sure I can offer any because I don't know how we look

16   ahead, and -- but maybe some other time we can figure out

17   and have a little more discussion about that.   I don't

18   know how to do that here.

19          CHAIR MOULTON-PATTERSON:   Okay.   Thank you.

20          Item Number 24.

21          MS. WOHL:   Item 24, consideration of approval of

22   contractor for the second annual recycled product trade

23   show contract, fiscal year 2000-2001, Contract Concept

24   Number 16, and Jerry Hart is here to present.

25          MR. HART:   Good afternoon, Madam Chair and

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1 Board Members. My name is Jerry Hart I work in the Buy  
2 Recycle Section.

3 Before you today for consideration is agenda  
4 Item Number 24, the approval of the contractor for the  
5 second annual recycled product trade show, and  
6 solidification of the funds for conducting that trade  
7 show.

8 On October 19th staff advertised the IFB in the  
9 contracts register and that bidding process was open  
10 until November 6th. On the afternoon of the 6th we had  
11 the bid opening. We had received two bids at that date,  
12 one from California Event Management Corporation and the  
13 other bid from last year's contractor, Association  
14 Resource Center. Both bids were qualified, so both of  
15 the dollar amounts were opened and the Association  
16 Resource Center had the lowest bid.

17 So we are proposing today that the contract be  
18 awarded to that lowest qualified bidder, Association  
19 Resource Center, for their bid amount of \$74,937. We'd  
20 also like, as we've stated in the option one, for the  
21 Board to place the difference between that contract award  
22 price and the approved contract concept amount to the  
23 Division's line item funds for taking care of expenses  
24 that we'll incur putting on the trade show.

25 We provided to the Board Members a table during

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1 the briefing that estimated some expenses that are  
2 outside of the contract that again, based on our  
3 estimation and experience from last year, came to about  
4 \$60,000 in expenses. This accounts for \$60,000 of the  
5 \$75,000 that would be left over from the \$150,000 of  
6 approved contract concept funds and the approximately  
7 \$75,000 that the contract would be awarded to ARC for.

8           So we hope that we can award the contract to ARC  
9 as well as place those remaining contract concept funds  
10 into the Division's line item to take care of any other  
11 trade show expenses.

12           CHAIR MOULTON-PATTERSON: Thank you very much.  
13 Any comments or questions?

14           Mr. Paparian.

15           BOARD MEMBER PAPARIAN: We did have some  
16 productive discussions with the staff about the prospects  
17 for a southern California trade show and I just wanted to  
18 note that for the record. I'm a convert and I want to  
19 see the southern California trade show go forward and I  
20 think that there are already some cost savings here, and  
21 if there's some success with the advertising and other  
22 revenues for the northern California one, we may have  
23 some additional funds which could then be put towards a  
24 southern California show.

25           And so I'd like to see some active Board

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1 involvement -- Board Member involvement in helping frame  
2 what the southern California trade show will be, who the  
3 target audience is and so forth. I'm looking forward to  
4 working with the Board and staff toward that.

5 CHAIR MOULTON-PATTERSON: Great. We're really  
6 glad to have a convert from the north want one in the  
7 south. Have we ever -- I don't know in your discussions  
8 with staff or staff ever talked about on the southern  
9 California subject just for a moment having a local  
10 government co-sponsor it. Have you ever thought about  
11 that and then maybe they could at least give resources if  
12 not money.

13 MR. HART: We've talked about not only the  
14 possibility of co-sponsoring with the southern California  
15 local government, but also just by virtue of our having  
16 the trade show at a southern California venue we would  
17 have opportunities to work together with events that they  
18 might have scheduled or perhaps they would have an event  
19 that would be the next day or there's all kinds of  
20 options to working together with a local government so  
21 long as they had the facility.

22 We're growing in leaps and bounds here, so  
23 pretty soon -- right now we're talking about a 50,000  
24 square foot need for this trade show that's in five  
25 months in April here. So we hope to continue with the

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1 number of exhibitors exhibiting as well as the  
2 co-sponsorship opportunities, but that's going to keep  
3 needing a larger and larger venue.

4           So I think the main thing is to secure a site, a  
5 facility that can hold us and everybody that's coming to  
6 the trade show and then talk about other jurisdictions  
7 that have either similar events or appropriate events  
8 that we could kind of work together on. Absolutely.

9           CHAIR MOULTON-PATTERSON: You might look into  
10 the Long Beach Convention Center. It's a nice convention  
11 center in southern California. Okay.

12           Who would like to make the motion for this?

13           BOARD MEMBER JONES: Madam Chair.

14           CHAIR MOULTON-PATTERSON: Mr. Jones.

15           BOARD MEMBER JONES: I just have one question.  
16 The Resolution 2000-467 would include the \$74,936 plus  
17 the \$60,000? Is that explicit here or do I need to make  
18 that explicit?

19           MS. WOHL: We were actually even proposing that  
20 the \$60,000 is our estimate at this point and with the  
21 caveat that we don't have that \$50,000 until the tire  
22 money comes through in December. So that's the other  
23 piece of this that hasn't come through.

24           BOARD MEMBER JONES: Madam Chair.

25           CHAIR MOULTON-PATTERSON: Mr. Jones.

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1           BOARD MEMBER JONES: I'll move adoption of  
2 Resolution 2000-467, consideration of approval of the  
3 contractor for the second annual recycled products trade  
4 show, Contract Concept Number 16, not to exceed \$150,000.

5           BOARD MEMBER PAPARIAN: Second.

6           CHAIR MOULTON-PATTERSON: We have a motion by  
7 Mr. Jones, seconded by Mr. Paparian, to approve  
8 Resolution 2000-467.

9           Please call the roll.

10          BOARD SECRETARY: Jones.

11          BOARD MEMBER JONES: Aye.

12          BOARD SECRETARY: Medina.

13          BOARD MEMBER MEDINA: Aye.

14          BOARD SECRETARY: Paparian.

15          BOARD MEMBER PAPARIAN: Aye.

16          BOARD SECRETARY: Roberti.

17          BOARD MEMBER ROBERTI: Aye.

18          BOARD SECRETARY: Moulton-Patterson.

19          CHAIR MOULTON-PATTERSON: Aye.

20          Okay. Thank you. Who from staff is going to be  
21 doing the other?

22          Number 25.

23          MS. BORZELLERI: Yes, thank you. Good  
24 afternoon, Madam Chair and Board Members. Deborah  
25 Borzelleri from the Legal Office presenting Item 25.

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1           This item is primarily a discussion item. We're  
2 not asking for any final decision from the Board. We are  
3 seeking direction on your ideas on environmental justice.

4           At the last board meeting some Board Members had  
5 expressed an interest in this topic and it asked staff to  
6 come forward with an agenda item. The purpose of the  
7 item is to give you information on what's been going on  
8 with regard to environmental justice at both the federal  
9 level and state level over the past few years and provide  
10 some options the Board may wish to pursue.

11           The term environmental justice, often used  
12 interchangeably with the phrase environmental racism,  
13 emerged several years ago with the civil rights and  
14 environmental movements. The basic concept was to bring  
15 attention to environmental inequities faced by many  
16 under-represented groups, primarily minority and low  
17 income groups.

18           California statute defines environmental justice  
19 as, quote, "The fair treatment of people of all races,  
20 cultures and incomes with respect to the development,  
21 adoption, implementation and enforcement of environmental  
22 laws, regulations and policies." This is a broad  
23 approach and encompasses many of the Board's programs.

24           There are two major aspects to this discussion  
25 on environmental justice. First is the need to determine

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1 where disproportionately high adverse impacts of pollution  
2 are affecting minority and low income communities. This  
3 is also known as cumulative disparate impacts. That term  
4 is referred to quite a bit in the literature.

5           And the second aspect is the need for  
6 broad-based public participation in environmental  
7 decisions so that all communities have access to the  
8 decision making process. Several federal and state  
9 efforts have attempted to address these issues, as you  
10 have seen in your agenda item. I will briefly highlight  
11 those.

12           To begin at the federal level, Title 6 of the  
13 Civil Rights Act of 1964 is a federal law that prohibits  
14 discrimination on the basis of race, color or national  
15 origin in all programs or activities that receive federal  
16 financial assistance. Title 6 allows persons to file  
17 administrative complaints against recipients of federal  
18 financial assistance alleging discrimination.

19           As a recipient of USEPA financial assistance,  
20 which the Board is, the Board receives approximately  
21 \$400,000 in USEPA grants annually. The Board is subject  
22 to such complaints, although there are no such complaints  
23 pending against the Board.

24           In June of this year, USEPA circulated draft  
25 guidance for financial assistance recipients putting

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1 forth many suggestions to state and local permitting  
2 agencies regarding public participation, ways to conduct  
3 disparate impact analyses, and other data gathering and  
4 evaluation methodologies. USEPA assures us that this is  
5 merely guidance, but there appears to be an expectation  
6 that recipients follow the guidance in order to minimize  
7 complaints and/or to provide appropriate defenses if any  
8 complaints are filed. USEPA has not given a date when  
9 the draft will be finalized and we don't expect anything  
10 final until at least early next year.

11           In February 1994, federal Executive Order Number  
12 12898 was adopted. It requires each federal agency to  
13 make achieving environmental justice part of its mission  
14 by identifying and addressing as appropriate  
15 disproportionately high and adverse human health or  
16 environmental affects of its programs, policies and  
17 activities on minority populations and low income  
18 populations in the United States and its territories. So  
19 this executive order applies to federal agencies.

20           Among other things, the order required creation  
21 of an interagency working group comprised of the heads of  
22 executive agencies and offices to provide guidance on  
23 criteria for identifying these disproportionately high  
24 adverse health and environmental affects on the subject  
25 populations and to develop an environmental justice

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1 strategy.

2           Also, the National Environmental Justice  
3 Advisory Council, known as NEJAC, a federal advisory  
4 committee, was established to provide independent advice,  
5 consultation and recommendations to USEPA on matters  
6 related to environmental justice. There are a number of  
7 other federal activities under way. This was just to  
8 highlight a few. We did get a presentation from USEPA at  
9 our last Cal/EPA meeting and I have some more information  
10 on that if any of you are interested.

11           Turning to California, recent legislation  
12 requires Cal/EPA to work with the boards, departments and  
13 offices to develop a mission statement and an  
14 environmental justice strategy incorporating  
15 environmental justice considerations into all programs  
16 and activities.

17           The two statutes that are discusses in the  
18 agenda item are SB 115, Solice, that was effective  
19 January 1, 2000, which actually was the first of its kind  
20 in the nation. There are no other state statutes that  
21 we're aware of, and then SB 89 effective January 1, 2001.  
22 The two statutes are similar to the federal executive  
23 order I just mentioned in the approach.

24           SB 115 requires Cal/EPA to adopt a mission  
25 statement which is due January 1, 2001. Board staff is

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1 working with Cal/EPA on this and we have formed an  
2 internal group of staff from each division to coordinate  
3 this and any other environmental justice activities the  
4 Board wishes to pursue. And actually we had a meeting  
5 this afternoon that we couldn't attend.

6 BOARD MEMBER ROBERTI: Madam Chair.

7 CHAIR MOULTON-PATTERSON: Senator Roberti.

8 BOARD MEMBER ROBERTI: And when you meet with  
9 the EPA, what are the goals of the -- what's the  
10 objective?

11 MS. BORZELLERI: At this stage, this group at  
12 Cal/EPA is merely trying to put together a mission  
13 statement for Cal/EPA. It's a model mission statement  
14 that would eventually somehow we would plug into that  
15 process and perhaps adopt our own, although there's no  
16 specific statutory requirement that that occur. The  
17 requirement is that Cal/EPA adopt a model mission  
18 statement by January 1, 2001, and we are working with  
19 them to do that at this stage.

20 BOARD MEMBER ROBERTI: Are we in the process of  
21 or is EPA in the process of doing anything to detect what  
22 the status right now of environmental justice is? Not  
23 necessarily where we're going, but what has happened.

24 MS. BORZELLERI: I think they're in what I would  
25 call the preliminary stages. With SB 115 there was

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1 funding to -- for a position, a CEA position at Cal/EPA,  
2 to head up the effort and --

3 BOARD MEMBER ROBERTI: A what?

4 MS. BORZELLERI: Pardon me?

5 BOARD MEMBER ROBERTI: What position?

6 MS. BORZELLERI: It's called an Environmental  
7 Justice Coordinator, and I guess that would be the title.  
8 They have not yet been able to get authority to hire the  
9 position. Apparently the paperwork is stuck in --

10 BOARD MEMBER ROBERTI: But that's still not  
11 getting to my point.

12 MS. BORZELLERI: Well, I think -- it's my sense  
13 that they're working toward getting a mission statement  
14 as what is required beginning January 1, 2001, and I can  
15 tell you about the other --

16 BOARD MEMBER ROBERTI: Okay. I'll hold my  
17 comments.

18 MS. BORZELLERI: Okay. All right. SB 89, which  
19 goes more to I think what you're asking, requires Cal/EPA  
20 to convene a working group of heads of boards and  
21 departments not later than January 15th, 2002 to develop  
22 an interagency environmental justice strategy. The bill  
23 also requires Cal/EPA to convene an advisory group which  
24 consists of representatives of local or regional land use  
25 planning agencies, air districts, environmental

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1 organizations, and community organizations. And the  
2 advisory group is designed to assist the working group by  
3 providing information and recommendations.

4           So I have a sense that Cal/EPA is going to get  
5 moving on this more once they get the position because I  
6 think they're trying to borrow people to make things  
7 happen at this stage. So I don't know of any historical  
8 things that are occurring. It's mostly the mission  
9 statement we've discussed.

10           BOARD MEMBER ROBERTI: Madam Chair, what I would  
11 be interested -- and I think this is all fine and EPA is  
12 acting pursuant to legislation, but of a particular  
13 interest to me is where are all our facilities located.  
14 Where do our stakeholders do business?

15           I don't think you can have a strategy unless we  
16 know what the map looks like. My assumption is -- I  
17 could be wrong -- and that is that wherever there is a  
18 population, it is generally the poor that are the  
19 recipients of this. But to the extent to which this is  
20 the case remains to be seen.

21           A strategy which is pursuant to the two bills,  
22 very important, but for myself I would like to know where  
23 all the -- currently where all the landfills are, where  
24 all the MRFs are, where -- you get the point.

25           CHAIR MOULTON-PATTERSON: Didn't you ask for

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1 that once before?

2 MS. NAUMAN: Madam Chair, if I might --

3 CHAIR MOULTON-PATTERSON: Yes.

4 MS. NAUMAN: -- address Senator Roberti's  
5 statements here. I do recall that, I guess it was two  
6 months ago, we had this discussion and we haven't lost  
7 that concept at all.

8 BOARD MEMBER ROBERTI: Okay. I just want to  
9 know that it's still on the burner.

10 MS. NAUMAN: In fact, we've been working through  
11 our Office of Management Reporting Systems. Daryl Pector  
12 is here this afternoon if you want to get into a more  
13 detailed discussion about what we have available. We're  
14 researching.

15 BOARD MEMBER ROBERTI: I don't want to rush  
16 whatever -- I just want to make sure we're on the front  
17 burner with this and I don't necessarily want to alter  
18 the time frame you're operating under.

19 MS. NAUMAN: I wanted to assure you we  
20 understood your suggestion.

21 BOARD MEMBER ROBERTI: I totally understand what  
22 Ms. Borzelleri is getting to, which is very important,  
23 that we are acting pursuant to the statutes that have  
24 passed and we as a component of EPA.

25 MS. TOBIAS: Madam Chair, may I also add that I

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1 think the other component in there which I think Deborah  
2 at least covers in her item, I don't know if she's gotten  
3 to it yet.

4 I think what Ms. Nauman is saying is we have  
5 data sources that we can use that are within the Board  
6 and some capabilities to go about doing that, but I think  
7 the other thing that I think most of the people who are  
8 working this area acknowledge is that there's some work  
9 to do on the whole methodology on how you assess what are  
10 the impacted areas, what are the definitions -- and I  
11 know we have probably have a million definitions of low  
12 and moderate income communities, things like that -- but  
13 I don't think that you'll find that there is any kind of  
14 unanimity in some of those definitions.

15 And I think one of the things that the item  
16 basically asks the Board to look at is do you want to  
17 move forward into looking at a methodology that goes  
18 ahead and basically tries to say for the purposes of  
19 solid waste facilities what we think are the impacted  
20 areas.

21 One of the possibilities is that if we go to the  
22 data end first and with our GIS systems and everything  
23 else say basically say well, here's the facilities, but  
24 we don't really look at first what the methodology is to  
25 do that assessment, is that that's not the way you

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1 generally do that kind of study.

2 BOARD MEMBER ROBERTI: If you're talking about  
3 standardization of our definitions among other things,  
4 and I know it's more than that, but again, that's the  
5 kind of information we need.

6 MS. TOBIAS: I think that's the basic thing is  
7 the --

8 BOARD MEMBER ROBERTI: Otherwise we're talking  
9 about apples and oranges.

10 MS. TOBIAS: Exactly. So one of the things the  
11 item basically says, to kind of cut to the chase here, is  
12 that really the Board I think has two choices, maybe  
13 others, but the two that we've come up with is one is to  
14 basically roll along with what Cal/EPA is doing at this  
15 point, which is what the statutes require them to do.

16 And as I think you know and the Board knows, the  
17 statutes that were passed did not go as far as some  
18 people would have liked them to have gone and of course  
19 they went way too far as far as others are concerned. So  
20 it's obviously a compromised position. It's one that  
21 enables people to start dealing with this subject.

22 The other choice that the Board has is to  
23 basically start in, work along with the Cal/EPA approach,  
24 but we heard some interest from Board Members last time  
25 to basically look at our own situation and start in on

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1 developing that methodology.

2           BOARD MEMBER ROBERTI: With all deference to the  
3 statutes that were passed, which if I was in the  
4 legislature I would have voted for, I think they're  
5 excellent, and the approach of Cal/EPA, which I think is  
6 fine and I applaud them for doing it, I think, however,  
7 my own estimation is they're putting the cart before the  
8 horse. You've got to know what the problem is first,  
9 both in terms of solving it and getting public support  
10 for what you're trying to do.

11           And if your instincts are that the problem is  
12 much greater than we have been allowed to believe, and  
13 that's my instinct, then the thing to do before you come  
14 up with strategies, which I'm afraid could just end up  
15 being bureaucratic niceties, is to really find out what  
16 the extent of the problem is and I think the problem is  
17 very extensive, everything from routes of transportation  
18 to where these facilities are located to who has the  
19 clout not to have them in their neighborhoods and who  
20 doesn't.

21           Once you get that map, and I mean a map  
22 figuratively and literally, then we can talk about  
23 solutions, but coming up with strategies without seeing  
24 what the enormous extent of the problem, my surmise, is  
25 just becoming -- is being very bureaucratic. And with

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1 all due respect to the wonderful people who passed the  
2 legislation and have to implement it, it's just -- it's  
3 taking an issue which has great potential for harm but  
4 also great potential for solution and turning it into  
5 bureaucratic pretzel twisting.

6 MS. TOBIAS: That's what option one does. It  
7 basically says that the Board would begin development of  
8 an environmental justice strategy. It doesn't mean we  
9 would necessarily get to a point of agreement but that we  
10 would start pursue thing methodology for solid waste  
11 facilities, for the types of facilities that we do,  
12 understanding of course that as we work along with  
13 Cal/EPA, there may be other statutes passed in the next  
14 session which would subsume that or whatever, but the  
15 Board would start looking at this and would try to start  
16 to develop a methodology for dealing with this.

17 From what I've read and the work that we've done  
18 on this, I do heartily suggest that if we want to go in  
19 that direction to do this first before we go to a mapping  
20 exercise so that we all agree on what types of facilities  
21 we're talking about. You've added transportation  
22 corridors, which you know is, of course -- if you have to  
23 get there, that's of course an impact as well.

24 And I think if we want to start this in a  
25 considered approach that we would want to come back to

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1 the Board with a methodology.

2 BOARD MEMBER ROBERTI: The methodology I  
3 absolutely agree that has to be first. However, I am  
4 concerned -- Ms. Borzelleri, and she's implementing the  
5 program, she has to, but I'm not being critical of you at  
6 all -- but that the people who are putting this together  
7 I am concerned about talking about a strategy until we  
8 look and see what the war map looks like.

9 MS. FISH: If I may, is what I hear you asking  
10 for is a quantification --

11 BOARD MEMBER ROBERTI: Quantification.

12 MS. FISH: -- of the problem.

13 BOARD MEMBER ROBERTI: Absolutely.

14 MS. FISH: -- before we go to strategies or what  
15 policies need to be changed.

16 BOARD MEMBER ROBERTI: Absolutely. Absolutely.

17 MS. FISH: So what you'd -- we do have mapping  
18 capabilities. We have the ability to impose the  
19 demographics onto that type of mapping capability. So  
20 really what you're looking for is an assessment of where  
21 the facilities are, the jurisdictions basically they're  
22 located in to quantify the problem to determine that  
23 first before --

24 BOARD MEMBER ROBERTI: Yes.

25 MS. FISH: -- we go into formulating policies.

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1           BOARD MEMBER ROBERTI: Absolutely. I'm looking  
2 for a quantification. Then maybe, then maybe based on  
3 what the quantification is, why. Injustice to anybody  
4 who has a facility, there may be a reason, illegitimate  
5 or legitimate, whatever as to why. And then, as Counsel  
6 is saying, yes, and standardization of the language so  
7 we're all talking about the same thing. Then we talk  
8 about strategy.

9           MS. TOBIAS: But I am saying that I think that  
10 the first step prior to mapping is to come back to the  
11 Board with the descriptions --

12           BOARD MEMBER ROBERTI: I agree.

13           MS. TOBIAS: -- or the definitions so that we  
14 then go out there and do that.

15           BOARD MEMBER ROBERTI: I agree.

16           BOARD MEMBER JONES: Can I ask a question about  
17 that, though? I mean I don't have a problem with that.  
18 I think when we had the discussion the first time I asked  
19 we look at what not only existing zoning was but what  
20 previous zoning was because you know, I mean everything  
21 is local. We know that.

22           I'm wondering that -- and we have different  
23 appointing authorities, but Cal/EPA has been charged, it  
24 sounds like, with trying to coordinate an effort among  
25 all the boards and departments, and the response letters

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1 that went to USEPA on comments on Article 6 were  
2 talking -- or Title 6 -- were talking about all of their  
3 specific issues. And I'm wondering if this exercise  
4 isn't better done with all of those agencies because  
5 Toxics is going to have permitted facilities that are  
6 going to have a heck of a lot more impact than solid  
7 waste facilities, and in combination with those what is  
8 the impact of those jurisdictions to those communities.

9 We're looking at one piece when there are six  
10 bodies within Cal/EPA that all have some level of  
11 permitting.

12 BOARD MEMBER ROBERTI: I think you're absolutely  
13 right. I hear the point you're saying, but for purposes  
14 of our own decision making I actually am interested in  
15 where solid waste facilities are because you're saying  
16 six entities with Water, Toxics, us, but everything is  
17 interrelated. Then we could add in Department of  
18 Transportation, Mr. Medina's old friends, and throw that  
19 in and that's maybe just related a couple steps beyond.

20 So there's -- just because we're all in one  
21 agency doesn't mean that's where the interrelation stops.  
22 So I would say and -- then throw in Prisons too.  
23 That's -- so what I would say is for purposes of our  
24 decision making in a very specific area, yes, I would  
25 like to know what the quantification is, myself. I would

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1 like to know -- and a standard methodology. Counsel is  
2 absolutely correct because otherwise we're all talking  
3 about different things.

4           When we have done that, then I think we can talk  
5 about strategies. That doesn't mean we're not going to  
6 work with EPA in whatever their project happens to be  
7 right now, but I'm just talking for myself, only talking  
8 for myself. I'm not impressed by a strategy session on  
9 environmental justice where we're talking about  
10 strategies, where we haven't gone to the trouble of  
11 seeing what the problem is. We're denying to ourselves  
12 the biggest gun in our arsenal to stop the thing and that  
13 is public response to the enormity of the problem.

14           We've already now gone to the regs. Putting  
15 regs together are always a bore, and we've gone to the  
16 regs before we've expounded the problem and raised the  
17 flag and let everybody know what the extent of the  
18 problem is. I don't know if you get what I mean.

19           BOARD MEMBER JONES: No, I understand what  
20 you're saying. I just think that we're -- I guess my  
21 concern is the fact that a solid waste facility exists  
22 somewhere doesn't make it an environmental problem.

23           BOARD MEMBER ROBERTI: Well, yes. And I said  
24 that. I said that. You're absolutely right.

25           BOARD MEMBER JONES: We had a landfill today

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1 that didn't get a permit --

2 BOARD MEMBER ROBERTI: I want to know the why.

3 BOARD MEMBER JONES: -- the whole area around it  
4 embraced it.

5 BOARD MEMBER ROBERTI: You're absolutely right,  
6 and I said that.

7 BOARD MEMBER JONES: So --

8 BOARD MEMBER ROBERTI: I want to know the why as  
9 well because there's an awful lot of reasons why these  
10 things --

11 BOARD MEMBER JONES: Exactly. But in San  
12 Francisco the garbage company used to be located on  
13 Broadway. First there was one on Broadway then it went  
14 to Mason Street where the Sheraton is now. Now it's down  
15 at 7th and Bryant. It moved three times, but all those  
16 areas were pretty high rent districts after we left.  
17 We -- it didn't hurt the bottom line every time you sold  
18 those.

19 But what was the environmental impact for those?  
20 They were serving a waste shed. We have a different  
21 issue that I think needs to be included in the  
22 discussion, and I guess my fear is that we may not be  
23 willing to discuss all the different issues and those are  
24 the waste sheds that are served by facilities because  
25 people in Beverly Hills get served, but I don't know how

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1 many transfer stations they have in Beverly Hills. So  
2 that waste goes somewhere.

3           So it's a waste shed that makes sense for some  
4 operator in land that was zoned. I don't know what the  
5 demographics are around that piece of property, but that  
6 has to be part of the discussion when you're talking  
7 about facilities because in fact, that's what drives  
8 these things. It's not let me check out the demographic  
9 and I'll change the zoning and put something there.

10           BOARD MEMBER ROBERTI: Part of it is to check  
11 out the demographic.

12           BOARD MEMBER JONES: Senator, how many of these  
13 have you permitted? I've permitted 18 and I've never  
14 looked at the demographic. I looked at the appropriate  
15 zoning and went through the local process.

16           BOARD MEMBER ROBERTI: I'm not saying -- I'm  
17 saying at the local level, the people who are most  
18 responsive to the voters, yeah, they pay attention. You  
19 go to point of least resistance, and once poor people  
20 start screaming then you don't go there anymore, but you  
21 usually go to the point of least resistance, whether you  
22 are the company that wants to site or the government  
23 agency that doesn't want a headache on their hands.

24           At our level we pay less attention to that  
25 because at some point we sign off on what the locals have

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1 done.

2 CHAIR MOULTON-PATTERSON: I certainly think that  
3 I would like the map anyway. I mean I would like to see  
4 it from an environmental justice point of view, but I  
5 would like to see it. I think we should have something  
6 like this anyway.

7 MS. NAUMAN: We will continue our efforts. I  
8 just was conferring with Daryl and we can easily map the  
9 location of the facilities, and then we need to be able  
10 to get access to other data files to overlay the  
11 demographics and I think that would be an important  
12 starting point for you.

13 CHAIR MOULTON-PATTERSON: One thing that would  
14 be interesting, too, is to see what facilities were sited  
15 there after -- let's see how to phrase this. Was the  
16 neighborhood intact and then the facility was sited there  
17 or was the facility there first? You know what I mean?

18 MS. NAUMAN: I do understand, along with  
19 Mr. Jones's comments about zoning. It will be a little  
20 bit more effort to overlay that kind of information, but  
21 we'll start with the information that we have and then  
22 maybe we can look at some specific areas to do a more  
23 in-depth analysis.

24 Why don't you let us work on it a little bit and  
25 we'll keep you apprised through some status reports.

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1 CHAIR MOULTON-PATTERSON: I'm so sorry we've  
2 interrupted your report. Did you want to continue?

3 MS. BORZELLERI: Actually, I think we've talked  
4 about most of the issues and we have some Board  
5 direction. Anything else?

6 CHAIR MOULTON-PATTERSON: Well, we do have a  
7 speaker -- oh, Mr. Medina, would you like to speak before  
8 our speaker?

9 BOARD MEMBER MEDINA: I would, yes.

10 CHAIR MOULTON-PATTERSON: Okay.

11 BOARD MEMBER MEDINA: I have to say I totally  
12 agree with the Senator on this. It's not enough to say  
13 that there is an environmental justice concern, but you  
14 do have to clearly define what the concerns and the  
15 issues are before you can develop a viable strategy  
16 because we're not just talking about developing strategy,  
17 we want to develop a realistic and viable strategy.

18 And there's a whole lot of related issues other  
19 than just the location and siting of solid waste  
20 facilities, wherever they might be, and just because the  
21 zoning said that something could be sited there does not  
22 always mean that there was fairness and justice in regard  
23 to that because in a lot of low income communities they  
24 don't have political representation on the very bodies  
25 that determine the zoning.

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1           Again, you get into issues that have to do with  
2 the priorities in terms of the cleanup and closure of  
3 solid waste facilities, the expenditure of the dollars  
4 for remediation, the hiring and contracting and the  
5 education and outreach. There's a whole number of  
6 issues. I think it's better to develop the necessary  
7 data beforehand in order to develop a realistic strategy.

8           CHAIR MOULTON-PATTERSON: I certainly agree and  
9 this certainly isn't a black and white -- I just have to  
10 add this. My city, Huntington Beach, the transfer  
11 station is in -- Rainbow Disposal is in a poor area, but  
12 if it hadn't been for -- they were not made to do this.  
13 If it had not been for Rainbow Disposal, they would not  
14 have a library in that community. They fought for that  
15 library. They gave the funds for it. So you know, you  
16 really have to look at the whole situation, but  
17 certainly --

18           BOARD MEMBER ROBERTI: And the -- just to say  
19 that it's not always in the poor area, the Hyperion Waste  
20 Disposal for Los Angeles, which was probably the largest  
21 sewage disposal in L.A. is what used to be Playa Del Ray  
22 and what used to be the highest of the high rent to the  
23 extent it's this anymore. So it's not all black and  
24 white, by I think if we really have a map --

25           CHAIR MOULTON-PATTERSON: I certainly --

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1           BOARD MEMBER ROBERTI:  -- we'll find out it  
2     tilts more toward the poorer areas.

3           CHAIR MOULTON-PATTERSON:  Thank you.  
4           Evan Edgar.

5           MR. EDGAR:  Madam Chair, Board Members, Evan  
6     Edgar, Edgar and Associates on behalf of the California  
7     Refuse Removal Council.  I represent over a hundred  
8     permitted solid facilities and MRFs statewide, some in  
9     urban, some in rural, some in downtown, some are to be  
10    expanded, some are to be new, and we always believe in an  
11    open public process with local zoning and CEQA.  We  
12    believe in that and will follow that.

13           A lot of transfer stations, there's a trend to  
14    have them in urban centers, downtown, and we are in the  
15    affluent neighborhoods of Davis, San Rafael and Tahoe,  
16    and we're mixed demographics statewide.  And I believe  
17    that if you were going to do some GIS spacial profiling,  
18    that it would be important to understand all the  
19    different aspects of where they're located.

20           Environmental justice is very important.  It's a  
21    very important issue to the whole aspect of having a  
22    public process and has very different meanings to very  
23    different people.  Everybody has a different context on  
24    environmental justice and today we heard a bunch of them.  
25    We always supported in Waste Board taking an independent

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1 board having a role in defining different issues, but in  
2 this case we believe that Cal/EPA is the appropriate  
3 agency because of the multimedia permitting and  
4 comprehensive permitting that's involved with any solid  
5 waste facility. At any landfill we could have WDRs,  
6 household hazardous waste facilities, solid waste  
7 facilities permit. We have a multimedia multi-permit  
8 complex, and if you were to have many different  
9 independent boards or agencies running around with  
10 different interpretations of the environmental justice,  
11 it's going to leave the stakeholders at risk of not  
12 getting anything permitted.

13           So we would highly recommend option two, Board  
14 may direct staff to work with Cal/EPA working group. We  
15 would like to be a stakeholder involved with the process,  
16 and we believe that that could be part of the open public  
17 process while permitting and expanding these facilities  
18 in urban centers.

19           Thank you for the opportunity to comment today.

20           CHAIR MOULTON-PATTERSON: Thank you. Just to  
21 get some closure on this, I hear the Board saying they  
22 definitely want to work with Cal/EPA but also want to do  
23 some things on their own. Is that right, Board Members?  
24 I mean is that the path we want to go down?

25           I don't think anyone is saying we don't want to

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1 work with Cal/EPA on this interagency plan. I for one  
2 would certainly want to, but I do agree with Senator  
3 Roberti it would be great to see this so we know what  
4 we're dealing with, and Mr. Medina.

5 So if that reflects our direction, thank you  
6 very much.

7 Okay. Now to Item Number 26.

8 MR. SCHIAVO: Good afternoon. Item Number 26 is  
9 a discussion and consideration of staff recommendation of  
10 policies, procedures and regulations that do not need  
11 further evaluation, alteration or change or suspension.

12 This item was initially heard at the October  
13 board meeting as Item Number 32 and included was a  
14 listing of several policies and procedures. The Board  
15 directed staff to come back at this meeting and present  
16 to the Board what staff considered -- the Board  
17 considered non-controversial procedures and policies.

18 So included is a listing of policies and  
19 procedures. The items that are highlighted are  
20 considered more controversial in nature. The items that  
21 are not highlighted are staff's recommendation what is  
22 not considered controversial.

23 Also included in this item is a brief discussion  
24 of the differences between statutes, regulations,  
25 policies and underground regulations, and there's also a

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1 brief discussion of impact of SB 2202 on some of the  
2 items on the listing.

3 SB 2202 impacts the measurement accuracy issue  
4 as it's listed in this item in that the Board is to form  
5 a working group and have a report submitted to the  
6 legislature by January 1st, 2002. Also, SB 2202 contains  
7 some language regarding a compliance order process, and  
8 staff is going to be bringing forward an item at the  
9 January meeting regarding that.

10 There's three options that are laid out for the  
11 Board's review, and staff is recommending option number  
12 one which is to not further alter or evaluate or change  
13 or suspend any of the policies, procedures or regulations  
14 listed in the matrix.

15 That concludes my presentation.

16 CHAIR MOULTON-PATTERSON: Okay. I'd like to  
17 discuss with the Board I've heard from several offices  
18 that there was so much information here and there really  
19 wasn't enough time to decide if these -- for once and for  
20 all if these are non-controversial. Is that the  
21 consensus? I heard it from a number of offices there's a  
22 awful lot here. I mean I'm not trying to hold up the  
23 process.

24 BOARD MEMBER ROBERTI: I think we need one more  
25 meeting. My ash diversion is on the list, and if I

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1 recall I think I spent more verbage on ash diversion than  
2 I have on anything. Maybe it's settled now. I would  
3 just like to look at it one more time.

4 CHAIR MOULTON-PATTERSON: Could we have another  
5 month? The Board would like another month on this. But  
6 before we go on, we want to hear from Mr. Mohajer.

7 BOARD MEMBER PAPARIAN: For the record as he's  
8 coming up, I think we have a letter from County of Los  
9 Angeles also. I just wanted to note that for the record.

10 CHAIR MOULTON-PATTERSON: Thank you,  
11 Mr. Paparian.

12 BOARD MEMBER ROBERTI: Are you the same?

13 MR. MOHAJER: Yes. Madam Chair, my name is Mike  
14 Mohajer. I represent Los Angeles County Department of  
15 Public Works and members of the Board as well.

16 I submitted formal comments on this Item 26. It  
17 was interesting that as I was sitting over here,  
18 listening to the issue of the environmental justice and  
19 looking at the community of low income, of minority, and  
20 I looked around over here and I felt the local government  
21 has also got to be considered as someone with lack of  
22 being -- having a good representative, and if  
23 environmental justice is applicable to those communities,  
24 it certainly ought to be applicable to the local  
25 government as well.

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1               BOARD MEMBER PAPARIAN: I think Ms. Hunter would  
2 disagree with you in terms of the representation.

3               MR. MOHAJER: Ms. Hunter represents -- well,  
4 let's --

5               (Laughter)

6               MR. MOHAJER: But anyhow, this issue that as far  
7 as the letter, if a regulated community -- the way we  
8 look at it, the issue is controversial if it's going to  
9 be impacting regulated communities. And local government  
10 on this issue, we are regulated communities. Going back  
11 over the past year and a half that I've been coming over  
12 here, discussing the Disposal Reporting System and many  
13 other issues that our local task force adopted which  
14 resulted in a portion of AB 1939 and then alternative  
15 forming the working group with the CSAC and League of  
16 Cities and ultimately with the Senator Byron Sher that  
17 formulated SB 2202 Sheriff and Members of this Board was  
18 involved, and it is really disheartening to look at the  
19 staff report and consider everything non-controversial  
20 and saying well, we have to form a working group and  
21 address the Disposal Reporting System, but that is not  
22 the whole intent of the SB 22.

23               I have a printed SB 22 with the ten pages of  
24 different things that impacts the items that are listed  
25 in the non-controversial as the staff recommended. So I

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1 respectfully request that as indicated on page 2 of the  
2 letter starting with the third paragraph, those  
3 sections -- it says this four-bullet item on page 2 that  
4 I have mentioned over here, and those are listed on page  
5 1 of the attachment 1 of the staff report. Those items  
6 ought to be removed from the non-controversial and be  
7 placed either under the controversial issue or to be  
8 considered separately at the late date by the Waste  
9 Board.

10 I've also discussed the issue of the Class II  
11 waste, which is really totally a separate issue and it  
12 may need a legislative fix as well as also addressing the  
13 inert waste and the classified versus unclassified,  
14 permitted versus unclassified landfill without a Solid  
15 Waste Facility Permit, which our local task force  
16 discussed at our July 20 meeting which you attended. And  
17 that is of a major concern to just about the majority of  
18 the cities in Los Angeles County and we cannot just say  
19 that's non-controversial and go on over there.

20 So with that said, hopefully at the December  
21 meeting we would get some consideration to what has been  
22 listed over here.

23 I appreciate your time. I'm available if you  
24 need some questions to be answered.

25 CHAIR MOULTON-PATTERSON: Thank you very much

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1 and we will certainly take this into consideration.

2 MR. MOHAJER: Thanks very much.

3 CHAIR MOULTON-PATTERSON: Sure. Okay. Do we  
4 have any -- we finished the regular agenda and we have a  
5 spot at the end of our meeting for public comments.  
6 Hearing none, the Board will adjourn into closed session.

7 \* \* \*

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4 I, Terri L. Emery, CSR 11598, a Certified  
5 Shorthand Reporter in and for the State of California,  
6 do hereby certify:

7 That the foregoing proceedings were taken  
8 down by me in shorthand at the time and place named  
9 therein and was thereafter transcribed under my  
10 supervision; that this transcript contains a full, true  
11 and correct record of the proceedings which took place  
12 at the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest  
16 in the event of the action.

17

18

19 EXECUTED this 20th day of December, 2000.

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